

2001

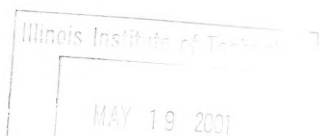
ILLINOIS

REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 25, Issue 18
May 04, 2001

Pages 5,774 – 5,979



Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS
May 4, 2001 Volume 25, Issue 18

PROPOSED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 3105774

COMMUNITY COLLEGE BOARD, ILLINOIS

Administration Of The Illinois Public Community College Act

23 Ill. Adm. Code 15015784

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

Protection Of Human Subjects In Research Conducted By The Authority

20 Ill. Adm. Code 15805796

LABOR, DEPARTMENT OF

Health And Safety

56 Ill. Adm. Code 3505805

NATURAL RESOURCES, DEPARTMENT OF

Crow, Woodcock, Snipe, Rail And Teal Hunting

17 Ill. Adm. Code 7405813

The Taking Of Wild Turkeys - Fall Archery Season

17 Ill. Adm. Code 7205823

The Taking Of Wild Turkeys - Fall Gun Season

17 Ill. Adm. Code 7155835

PUBLIC HEALTH, DEPARTMENT OF

Grade A Pasteurized Milk And Milk Products

77 Ill. Adm. Code 7755846

Illinois Veterans' Homes Code

77 Ill. Adm. Code 3405851

Intermediate Care For The Developmentally Disabled Facilities Code

77 Ill. Adm. Code 3505857

Long-Term Care For Under Age 22 Facilities Code

77 Ill. Adm. Code 3905867

Manufactured Dairy Products

77 Ill. Adm. Code 7855876

Skilled Nursing And Intermediate Care Facilities Code

77 Ill. Adm. Code 3005888

ADOPTED RULES

POLLUTION CONTROL BOARD

Definitions And General Provisions

35 Ill. Adm. Code 2115900

Nitrogen Oxides Emissions

35 Ill. Adm. Code 2175914

VETERANS' AFFAIRS, DEPARTMENT OF

Duties Of The Administrators Of The Illinois Veterans Homes

95 Ill. Adm. Code 1065963

Funeral And Burial Procedures For Residents Of The Illinois Homes

95 Ill. Adm. Code 1095967

NOTICE OF REQUEST FOR EXPEDITED CORRECTIONS

POLLUTION CONTROL BOARD

Mobile Sources

35 Ill. Adm. Code 2405973

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received5978

ISSUES INDEX I-1

Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.280
Proposed Action: Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, a Public Service Administrator position (37015-25-61-140-90-01) is being added with the annual salary of \$74,904 at the request of the Department of Revenue.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.290	Amend	24 Ill. Reg. 17384
310.280	Amend	25 Ill. Reg. 811
310.280	Amend	25 Ill. Reg. 1037
310.270	Amend	25 Ill. Reg. 1889
310.280	Amend	25 Ill. Reg. 4316
- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
(217) 782-5601
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2001
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 60: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 2001
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases (Repealed)
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.290 Educator Schedule for RC-063 and HR-010
310.300 Physician Specialist Rate
310.310 Annual Compensation Ranges for Executive Director and Assistant
310.320 Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Section
310.410 Objectives
310.420 Responsibilities
310.430 Merit Compensation Salary Schedule
310.440 Procedures for Determining Annual Merit Increases
310.450 Intermittent Merit Increase
310.455 Merit Zone (Repealed)
310.456 Other Pay Increases
310.460 Adjustment
310.470 Decreases in Pay
310.480 Other Pay Provisions
310.490 Broad-Band Pay Range Classes
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 2001
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A Negotiated Rates of Pay
TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

TABLE AA NR-916

TABLE I RC-009 (Institutional Employees, AFSCME)

TABLE J RC-014 (Clerical Employees, AFSCME)

TABLE K RC-023 (Registered Nurses, INA)

TABLE L RC-008 (Boilermakers)

TABLE M RC-110 (Conservation Police Lodge)

TABLE N RC-010 (Professional Legal Unit, AFSCME)

TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)

TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPPE)

TABLE Q RC-033 (Meat Inspectors, IPPE)

TABLE R RC-042 (Residual Maintenance Workers, AFSCME)

TABLE S HR-012 (Fair Employment Practices Employees, SEIU)

TABLE T HR-010 (Teachers of Deaf, IPT)

TABLE U CU-500 (Teachers of Deaf, Extracurricular Paid Activities)

TABLE V RC-062 (Technical Employees, AFSCME)

TABLE W RC-063 (Professional Employees, AFSCME)

TABLE X RC-063 (Educators, AFSCME)

TABLE Y RC-063 (Physicians, AFSCME)

APPENDIX B
Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 2001

APPENDIX C
Medical Administrator Rates for Fiscal Year 2001

APPENDIX D
Merit Compensation System Salary Schedule for Fiscal Year 2001

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

APPENDIX E

Teaching Salary Schedule (Repealed)

APPENDIX F

Physician and Physician Specialist Salary Schedule (Repealed)
 Broad-Band Pay Range Classes Salary Schedule for Fiscal Year
 2001

AUTHORITY: Implementing and authorized by Sections 8 and 6a of the Personnel Code (20 ILCS 415/8 and 6a).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10633, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 9928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 11778, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4403, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 9465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 9382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 390, effective January 4, 1993; amended at 17 Ill. Reg. 6411, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18303, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21856, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 2484, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9255, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10661, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15488, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 19433, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 633, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 1999; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4553, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Commerce & Community Affairs

Economic Development Representative II
(Pos. No. 12932-42-35-110-10-02) Annual Salary
54,048

Private Secretary II
(Pos. No. 34202-42-00-000-01-02) Annual Salary
48,492

Public Information Officer IV
(Pos. No. 37004-42-00-005-10-01) Annual Salary
64,932

Public Service Administrator
(Pos. No. 37015-42-35-110-10-03) Annual Salary
75,588

Public Service Administrator
(Pos. No. 37015-42-35-140-20-01) Annual Salary
82,116

Department of Human Services

Medical Administrator I, Option D
(Pos. No. 26401-10-79-006-00-21) Annual Salary
142,368

Public Service Administrator
(Pos. No. 37015-10-23-100-50-01) Annual Salary
73,632

Senior Public Service Administrator
(Pos. No. 40070-10-65-000-00-01) Annual Salary
105,475

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Senior Public Service Administrator
(Pos. No. 40070-10-81-920-00-21) Annual Salary
105,480

Illinois State & Local Labor Relations Board

Private Secretary II
(Pos. No. 34202-50-19-000-00-01) Annual Salary
51,900

Department of Natural Resources

Administrative Assistant II
(Pos. No. 00502-12-30-000-20-01) Annual Salary
50,520

Department of Revenue

Public Service Administrator
(Pos. No. 37015-25-61-140-90-01) Annual Salary
74,904

Department of State Police

Senior Public Service Administrator
(Pos. No. 40070-21-10-000-00-01) Annual Salary
109,358

(Source: Amended at 25 Ill. Reg. _____, effective _____)

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Number: 1501.302
Proposed Action: Amendment

4) Statutory Authority: 110 ILCS 805/2-12

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to current rules will allow short-term certificate programs of less than seven hours to be created by a college if the college has previous approval to offer one or more programs in the same two-digit Classification of Instructional Programs category.

6) Will these proposed amendments replace emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Cherie VanMeter
Administrative Aide
Illinois Community College Board
401 East Capitol Avenue
Springfield, Illinois 62701-1711
(217) 785-0053
Fax: (217) 524-6195

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, Small Municipalities, and Not-For-Profit Corporation Affected: None

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page.

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section

1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section

1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section

1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS

Section

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

Section

1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

SUBPART E: FINANCE

Section

1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Nonresident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Claims
1501.508	Special Populations Grants (Repealed)
1501.509	Workforce Preparation Grants (Repealed)
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Grants (Repealed)
1501.516	Capital Renewal Grants
1501.517	Retirees Health Insurance Grants (Repealed)
1501.518	Uncollectible Debts
1501.520	Lincoln's Challenge Scholarship Grants
1501.521	Technology Enhancement Grants
1501.522	Deferred Maintenance Grants (Repealed)

SUBPART F: CAPITAL PROJECTS

Section

1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.3.01 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act
1501.610	Demolition of Facilities

SUBPART G: STATE COMMUNITY COLLEGE

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

- 1501.701 Definitions of Terms
- 1501.702 Applicability
- 1501.703 Recognition
- 1501.704 Programs
- 1501.705 Finance
- 1501.706 Personnel
- 1501.707 Facilities

SUBPART H: PERSONNEL

- Section
- 1501.801 Definition of Terms
- 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (110 ILCS 805/Arts. II and III and 6-5.3).

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 16813, effective November 15, 1988; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 2299, effective November 9, 1989; for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 21 Ill. Reg. 5891, effective

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

April 22, 1997; amended at 22 Ill. Reg. 2087, effective January 12, 1998; amended at 22 Ill. Reg. 17472, effective July 10, 1998; amended at 24 Ill. Reg. 249, effective December 21, 1999; amended at 24 Ill. Reg. 17522, effective November 20, 2000; amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: PROGRAMS

Section 1501.302 Units of Instruction, Research, and Public Service

- a) Approval of New Units of Instruction. Each proposed new unit of instruction shall be submitted to the ICCB for approval. The criteria for approval of new units of instruction, which also apply to existing programs offered by community colleges, are:
 - 1) Mission and Objectives.
 - A) The objectives of the unit of instruction are consistent with the mission of the college as set forth in Section 1-2(e) of the Public Community College Act.
 - B) The objectives of the unit of instruction are consistent with what the title of the unit of instruction implies.
 - 2) Academic Control.
 - A) The design, conduct, and evaluation of the unit of instruction are under the direct and continuous control of the college's established processes for academic planning and quality maintenance, and clear provision is made for ensuring a high level of academic performance of faculty and students.
 - B) The admission, course placement, and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction and with Section 3-17 of the Act where applicable.
 - 3) Curriculum. The content of the curriculum ensures that the objectives of the unit of instruction will be achieved.
 - A) The range of total number of credit hours required for completion of an associate degree curriculum shall be within the following parameters:
 - i) For the Associate in Arts degree and the Associate in Science degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent;
 - ii) For the Associate in Fine Arts and the Associate in Engineering Science degree, a total requirement of not less than 60 semester credit hours nor more than 68 semester credit hours or the quarter credit hour equivalent;
 - iii) For the Associate in Applied Science degree, a total requirement of not less than 60 credit hours nor more than 72 semester credit hours or the quarter credit

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

hour equivalent, except in such occupational fields in which accreditation or licensure by a state or national organization requires additional coursework; and

- iv) For the Associate in General Studies degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent.

B) Each associate degree curriculum shall include a specific general education component consisting of coursework in communication, arts and humanities, social and behavioral sciences, and mathematics and science within the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, the general education component required will represent at least 37 semester credit hours or the quarter hour equivalent for completion;
- ii) For the Associate in Fine Arts degree, the general education component required will represent at least 25 semester credit hours or the quarter hour equivalent for completion;
- iii) For the Associate in Engineering Science degree, the general education component required will represent at least 19 semester credit hours or the quarter hour equivalent for completion;
- iv) For the Associate in Applied Science degree, the general education component required will represent at least 15 semester credit hour or the quarter hour equivalent for completion; and
- v) For the Associate in General Studies degree, the general education component required will represent no less than 20 semester credit hours or the quarter hour equivalent for completion.

4) Faculty and Staff.

- A) The academic preparation and experience of faculty and staff ensure that students receive education consistent with the objectives of the unit of instruction.
- B) The involvement of faculty in the unit of instruction is sufficient to cover the various fields of knowledge encompassed by the curriculum, to sustain scholarship appropriate to the unit of instruction, and to ensure curriculum continuity.
- C) Support personnel, including counselors, administrators, clinical supervisors, and technical staff, have the educational background and experience necessary to carry out their assigned responsibilities.
- D) Support Services.
 - A) Facilities, equipment, and instructional resources (e.g.,

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

laboratory supplies and equipment, instructional materials, computation equipment) necessary to provide quality instruction will be available and maintained.

- B) Library holdings and acquisitions necessary to support quality instruction and scholarship are available, accessible, and maintained.

- C) Provision is made for the guidance and counseling of students, the evaluation of student performance, the continuous monitoring of progress of students toward their degree or certificate objectives, the placement of completers of the unit of instruction, and appropriate academic record keeping.

6) Financing.

- A) The financial commitments to support the unit of instruction are sufficient to ensure that the stated objectives can be attained and that the faculty, staff, and support services necessary to offer the unit of instruction can be acquired and maintained.

- B) Projections of revenues necessary to support the unit of instruction are based upon supportable estimates of general revenue, student tuition and fees, private gifts, and/or governmental grants and contracts.

7)

Public Information that the college provides to students and the public accurately describes: the unit of instruction offered; the objectives of the unit of instruction; length of the unit of instruction; residency requirements, if any; schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction; cancellation and refund policies; and such other material facts concerning the college and the unit of instruction as are likely to affect the decision of the student to enroll.

8) Accreditation and Credentialing.

- A) Appropriate steps have been taken to ensure that accreditation of the proposed new unit of instruction will be granted in a reasonable period of time.

- B) The proposed new unit will provide the skills required to obtain individual credentialing (certification, licensure, registration) needed for entry into an occupation as specified in the objectives of the proposed new unit of instruction.

9) Program Needs and Priorities.

- A) The unit of instruction must be educationally and economically justified based on the educational priorities and needs of the citizens of Illinois and the college's district.

- B) The unit of instruction meets a need that is not currently met by units of instruction which are offered by other

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

- institutions in the district.
- b) Approval of New Administrative Units of Research or Public Service. An application for approval of each proposed new administrative unit of research or public service shall be submitted to the ICCB on forms provided by the ICCB. The criteria for approval of new administrative units of public service or research are:
- 1) The proposed new administrative unit shall be authorized by the board of trustees.
 - 2) The objectives of the proposed new administrative unit are consistent with the mission of the college (see Section 1-2(e) of the Act).
 - 3) The proposed new administrative unit shall meet a district's need to deliver a public service or research program which cannot be met through the district's current structure as indicated by an organizational chart.
 - 4) The proposed new administrative unit shall administer at least one public service or research program.
 - 5) The needs assessment demonstrates that the demand for the public service or research program to be administered by the proposed new unit shall be continuous for at least three years.
 - 6) The district shall provide evidence that the resources for the facilities, equipment and materials, and staff necessary to provide a quality program or service shall be made available to the proposed new administrative unit.
- c) Withdrawal. An approved unit of instruction, public service, or research may be withdrawn by the college when it decides to suspend operation of the unit. The withdrawal request shall be reported on forms supplied by the ICCB.
- d) Reasonable and Moderate Extensions.
- 1) An approved unit of instruction, public service, or research may be modified by the college within the parameters listed in subsections (d)(2) through (4). The college shall notify the ICCB of such extensions on forms provided by the ICCB.
 - 2) Reasonable and moderate extensions of previously approved units of instruction include:
 - A) The addition, modification, or withdrawal of courses within an approved unit of instruction which does not alter the objectives of the unit of instruction.
 - B) A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction.
 - C) A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved.
 - D) The creation of an option (major, concentration, or specialization) within an approved unit of instruction in which:
 - i) the option created is within the same general academic

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

- discipline or occupational field as the previously approved unit of instruction,
- ii) the option created within a previously approved associate degree curriculum shares a common core of first-year courses with the previously approved unit of instruction, and
 - iii) the option created does not substitute more than 15 semester credit hours of other courses for courses previously approved as part of an associate degree curriculum or cluster of closely related curricula, e.g., from the same four-digit CIP code or substitute more than 9 semester credit hours of other courses for courses previously approved as part of a certificate curriculum (or closely related cluster) of 30 semester credit hours or more.
- E) The creation of certificate curricula from previously approved associate degree curricula and certificate curricula, including closely related curricula: e.g., from the same four-digit CIP code, providing no more than 6 semester credit hours are substituted for certificates of up to 30 semester credit hours or no more than 9 credit hours are substituted in certificates of 30 semester credit hours or more.
- F) The creation of a certificate curricula of less than seven semester credit hours from previously approved associate degree curricula and certificate curricula from the same two-digit CIP code.
- 3) Reasonable and moderate extensions of previously approved units of research or public service include units with an annual operating expenditure from whatever source of less than \$250,000 or an annual operating expenditure from state appropriations of less than \$50,000.
 - 4) Reasonable and moderate extensions of previously approved units of administration include any administrative reorganization of a college.
 - e) Approval in a Multi-College District. Approval of new units of instruction, research, or public service in a multi-college district will be for a specific college. Transfer of a unit to, or duplication of a unit by, other colleges within the district constitutes a new unit requiring approval by the ICCB. However, up to 9 hours of a program approved at one college may be offered by any other college in the district at the option of the Board.
 - f) When a college no longer offers an approved unit of instruction to additional new students, that unit of instruction shall be reported to the ICCB and shall be removed from the college catalog and other documents advertising the program offerings to the public.
 - 1) An inactive unit of instruction shall be maintained on the ICCB Curriculum Inventory File with the date that it became inactive

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

for a period of at least ten years. The effective date that a unit of instruction becomes inactive shall be determined by the college.

- 2) A unit of instruction that has been inactive for less than three years may be reactivated by the college once it has completed the following:

- A) Obtained approval to reactivate the program from its chief executive administrator.
 - B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.
 - C) Submitted a notification to the ICCB.
- 3) A unit of instruction that has been inactive for three to ten years may be reactivated by the Executive Director of the ICCB if the college has completed the following:
- A) Obtained approval to reactivate the program from its chief executive administrator.

- B) Obtained approval to reactivate the program from agencies that license, certify, or accredit the program, if appropriate.

- C) Demonstrated through local surveys or state labor market data that the labor market demand and supply shows a need for graduates of the program.

- D) Conducted a review of the program with representatives from business and industry including on-site visits and advice regarding current technologies and equipment.

- E) Demonstrated, in accordance with subsections (a)(5) and (a)(6) of this Section and Section 1501.510, that the college has adequate facilities, equipment and financial resource to offer a quality program.

- F) Demonstrated, in accordance with Section 1501.303(f), that the college has available qualified faculty to provide the instruction for the program.

- G) Submitted a request for the reactivation to the ICCB.
- 4) A unit of instruction that has been inactive for over ten years may be reactivated by following the new unit approval process described in subsection (a) of this Section.

- 9) Discontinuation of Programs. The ICCB may discontinue programs which fail to reflect the education needs of the area being served as follows:

- 1) Programs that do not meet standards of need, quality, and cost effectiveness may be discontinued by the ICCB. This determination shall be made based on review and collective findings of information available to the ICCB through ICCB and IBHE program review, evaluation, and productivity processes; the ICCB Management Information System; and other sources of pertinent information on the following criteria:

- A) Program need, including educational priorities of the

ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENT

district, accessibility, credit hours generated, enrollments, completions, and labor market supply and demand.

- B) Program quality, including job placement or education continuation, program content, academic control, faculty qualifications, and accreditation and credentialing.

- C) Program costs, including adequacy of financial support and unit costs.

- 2) The ICCB will utilize special state-level analyses to identify programs that appear to be of questionable need, cost, or quality based on state data. Programs identified through state-level analysis will be referred to the colleges to enable them to evaluate the programs in detail in their normal process and to obtain the results and comments from the local level.

- 3) The ICCB will notify college districts of programs being considered for discontinuation and shall grant the district 60 days to respond to concerns regarding the program in question prior to action by the Board. This information shall be taken into account in determining if a program should be discontinued by the ICCB.

- 4) Once a program is discontinued by the ICCB and the appeal process is concluded, the college must inactivate the program by not enrolling any additional new students and develop a plan for an orderly discontinuation of the program for students currently enrolled. Programs discontinued by the ICCB may be reestablished by obtaining approval as a new unit of instruction under subsection (a) of this Section.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Protection of Human Subjects in Research Conducted by the Authority

- 2) Code Citation: 20 Ill. Adm. Code 1580

- 3) Section Numbers:

	Proposed Action:
1580.10	New Section
1580.20	New Section
1580.30	New Section
1580.40	New Section
1580.50	New Section
1580.60	New Section
1580.70	New Section
1580.80	New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

- 5) A Complete Description of the Subjects and Issues Involved: This new Part delineates procedures for an institutional review board which is to review research involving human subjects that is conducted, sponsored, or supported by the Authority, to ensure the protection of human subjects.

- 6) Will these proposed rules replace emergency rules currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed rules contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These rules do not require local governments to establish, expand or modify their activities in any way.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rules may be submitted in writing for a period of 45 days following publication of this notice to:

Kristi J. Kangas, Legal Advisor
 Illinois Criminal Justice Information Authority
 120 S. Riverside Plaza
 Chicago, Illinois 60606-3997
 (312) 793-8550 (Voice)
 (312) 793-4170 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

- A) Types of small businesses, small municipalities and not for profit corporations affected: The rulemaking may affect small businesses, small municipalities and not for profit corporations in that they may be recipients of funds for, or participate in, research involving human subjects that is conducted, sponsored, or supported by the Authority.

- B) Reporting, bookkeeping or other procedures required for compliance: Small businesses, small municipalities and not for profit corporations that receive funding or support for research involving human subjects that is conducted, sponsored, or supported by the Authority will be subject to provisions concerning reporting, bookkeeping and other applicable procedures.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2000 and January 2001

The full text of the Proposed Rules begins on the next page:

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PROTECTION OF HUMAN SUBJECTS IN RESEARCH CONDUCTED BY THE AUTHORITY

PART 1580

Section	Purpose and Applicability
1580.10	Definitions
1580.20	Institutional Review Board Composition
1580.30	Institutional Review Board Procedures
1580.40	Expedited Review
1580.50	Additional Review Requirements
1580.60	Reporting Requirements
1580.70	Requirements for Submitting Research Proposals
1580.80	

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Adopted at 25 Ill. Reg. _____, effective _____.

Section 1580.10 Purpose and Applicability

- a) The Illinois Criminal Justice Information Authority (Authority) establishes this Part to institute procedures applicable to the creation and operation of an Institutional Review Board (IRB). The IRB shall review research involving human subjects that is conducted, sponsored, or supported by the Authority, to ensure the protection of human subjects. All research subject to this Part must have IRB review and approval before data collection for the research begins.
- b) This Part was derived from and corresponds to 28 CFR 46 (1991), which requires institutions that receive federal funding for purposes of research involving human subjects to adhere to, and to establish and operate an IRB in accordance with, federal regulations. This Part is applicable to all research that is conducted, sponsored, or supported by the Authority that involves human subjects, whether or not it is federally funded.
- c) Research involving human subjects that is conducted, sponsored, or supported by the Authority, for purposes of this Part, includes the following:
 - 1) Research involving human subjects that is conducted by an Authority employee, within the scope of the employee's employment, that has not otherwise been reviewed and approved by an IRB that adheres to all applicable laws and regulations. The executive director of the Authority reserves the right to require research conducted by an Authority employee, within the scope of

the employee's employment, that has been reviewed and approved by an IRB that adheres to all applicable laws and regulations to be subject to additional IRB review and approval, in accordance with this Part.

- 2) Research involving human subjects that is funded by the Authority, but conducted by an independent contractor, that has not otherwise been reviewed and approved by an IRB that adheres to all applicable laws and regulations. The executive director of the Authority reserves the right to require research involving human subjects that is funded by the Authority, but conducted by an independent contractor, that has been reviewed and approved by an IRB that adheres to all applicable laws and regulations, to be subject to additional IRB review and approval, in accordance with this Part.

Section 1580.20 Definitions

"Certifications" means the official notification by the Authority to the appropriate funding agency that a research project or activity involving human subjects has been reviewed and approved by an IRB; and the official notification by the Authority to the funding agency that applicable laws and regulations regarding confidentiality and privacy of identifiable research information have been adhered to.

"Exempt research" means research that involves human subjects, but according to applicable laws and regulations does not require IRB review and approval.

"Human subject" means a living individual about whom a researcher obtains data through intervention or interaction with the individual or identifiable private information.

"IRB" means an institutional review board established in accordance with and for the purposes expressed in this Part.

"IRB approval" means the determination of the IRB that the research has been reviewed and may be conducted within the constraints set forth by the IRB and by other applicable laws and regulations.

"Research" means a systematic investigation designed to develop or contribute to generalizable knowledge.

Section 1580.30 Institutional Review Board Composition

- a) An IRB shall be qualified through the experience, expertise, and diversity of its members, considering race, gender, cultural backgrounds and sensitivity to issues such as community attitudes. The IRB shall review proposed research in light of existing Authority

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

commitments; applicable laws, regulations and guidelines; and standards of professional conduct and practice. The IRB shall include persons with expertise in these areas.

- b) IRB members shall be appointed by the executive director of the Authority. An IRB must consist of at least five members with varying backgrounds. The Authority must adhere to the following IRB membership rules:

- 1) Every nondiscriminatory effort must be made to ensure that an IRB does not consist entirely of men or entirely of women.
- 2) An IRB must not consist entirely of members of one profession.
- 3) An IRB must include at least one member whose primary concerns are in scientific areas.
- 4) An IRB must include at least one member whose primary concerns are in nonscientific areas.
- 5) An IRB must include at least one member who is not otherwise affiliated with, or part of the immediate family of a person who is affiliated with, the Authority.
- 6) An IRB member must not participate in the initial or continuing review of any project in which the member has a conflict of interest, except to provide information requested by the IRB.
- 7) An IRB may, in its discretion, invite individuals with special expertise to assist in the review of issues requiring that expertise. These individuals may not vote with the IRB.
- 8) An IRB must reflect all applicable laws and regulations regarding IRB membership.

Section 1580.40 Institutional Review Board Procedures

- a) The general counsel of the Authority shall review all research applications involving human subjects to determine whether the application involves exempt research. If the general counsel determines that the research is exempt, the general counsel shall provide notice of, and justification for, this determination to the IRB members and the executive director of the Authority. If the general counsel does not receive any notice of disagreement with a determination of exempt status from IRB members within 10 working days after the mailing date of the notice, then the determination that the research is exempt will be considered approved by the IRB. If the general counsel receives notice of disagreement with a determination of exempt status from any IRB member, the research will be considered non-exempt and subject to IRB review and approval under this Part. Research projects determined to be exempt are not subject to further IRB review and approval. A determination by the IRB that a research project is exempt is subject to override by the executive director of the Authority.

- b) All research applications involving human subjects that do not involve exempt research shall be reviewed by the IRB, in accordance with this Part. The IRB review of research applications must occur at meetings

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

subject to the Open Meetings Act [5 ILCS 120]. IRB meetings must include a majority of IRB members who are present at the meeting in person or by electronic means, including at least one member whose expertise is in nonscientific areas. Minutes covering all activities will be taken and made available to the Authority.

- c) The IRB shall operate in accordance with all applicable laws and regulations. The IRB has the authority to approve or disapprove, require modification to, or observe research. The IRB must provide written notification to the executive director of the Authority and researchers of approval or disapproval of, or required modifications to, proposed research.
- d) The IRB may approve research applications involving human subjects if the IRB has determined that all of the following requirements are satisfied:

- 1) Risks to subjects must be minimized; researchers must use procedures that are consistent with sound research design and do not unnecessarily expose subjects to risk;
- 2) Risks to subjects must be reasonable in relation to the expected benefits to subjects and the knowledge that may reasonably be expected to result from the research;
- 3) The selection of subjects must be equitable;
- 4) Unless otherwise authorized by law or regulation, informed consent must be obtained and appropriately documented for each participating subject or the subject's legally authorized representative. When the IRB determines that the research project must include procedures for obtaining informed consent, the IRB shall ensure that informed consent is obtained under circumstances and through procedures that adhere to all applicable laws and regulations, and minimize any coercion or undue influence upon the subject or representative. Unless otherwise authorized by law or regulation, the following elements of informed consent must be provided to each human subject:

- A) An explanation of the purposes of, and procedures involved in, the research and the expected duration of the subject's participation;
- B) A description of any reasonably foreseeable risks or discomforts to the subject;
- C) A description of any benefits to the subject or to others that may reasonably be expected from the research;
- D) A statement describing how the confidentiality of records identifying the subject will be maintained;
- E) Information regarding who should be contacted for answers to questions about the research and research subjects' rights and in the event of a research-related injury to the subject;
- F) A statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

- discontinue participation at any time without penalty or loss of those benefits; and
- G) Any additional information that the IRB determines would further protect the rights and welfare of the subject;
- 5) The research must make any necessary provisions for data monitoring to ensure the safety of subjects;
- 6) There are adequate provisions for assuring the privacy of subjects and confidentiality of data;
- 7) When the research involves subjects likely to be vulnerable to coercion or undue influence, additional safeguards must be included to protect the rights and welfare of these subjects; and
- 8) The research must comply with applicable laws and regulations.
- e) The IRB may deny requests to conduct the research for reasons including, but not limited to, that the risks posed to human subjects are too great and for noncompliance with applicable laws and regulations. A notice of disapproval must include the reasons for denial in sufficient detail that allows the researcher to respond. The researcher must be given the opportunity to respond to the denial in person or in writing to the IRB.
- f) Research subject to this Part must have the approval of a majority of IRB members present at the meeting before data collection may begin.

Section 1580.50 Expedited Review

- a) Research that involves no more than minimal risk to human subjects and their privacy and confidentiality may be eligible for an expedited review procedure. If so requested by the researcher, the IRB chairperson shall examine the research application and applicable laws and regulations to determine whether the research project involves no more than minimal risk and is eligible for the expedited review procedure.
- b) If a research project is eligible for an expedited review procedure, the review may be carried out by the IRB chairperson or by one or more experienced reviewers designated by the chairperson from among members of the IRB. Under an expedited review procedure, the reviewers must consider provisions of Section 1580.40(d) and may approve the research application if those provisions are adhered to.
- c) In reviewing the research application under an expedited review procedure, the reviewers may not disapprove the research application; a research application may be disapproved only after a review in accordance with the non-expedited review procedure. Research applications that have been reviewed under, but not approved through, the expedited review procedure shall be subject to further review under the non-expedited review procedure described in Section 1580.40.
- d) The IRB chairperson shall keep all IRB members and the executive director of the Authority informed of research proposals that have been approved under the expedited review procedure.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

Section 1580.60 Additional Review Requirements

- a) Research projects are subject to IRB review and approval whenever changes are proposed to the research project. Changes may not be initiated without IRB review and approval except when necessary to eliminate apparent immediate hazards to the subjects.
- b) For research projects that already have IRB approval, the IRB must perform continuing, periodic reviews at intervals commensurate to the degree of risk the research poses, but at least once a year.
- c) Research that is subject to this Part may be subject to further review and approval or disapproval by the executive director of the Authority. Research reviewed by the executive director of the Authority shall be conducted in a manner consistent with the provisions of Section 1580.40. However, the executive director of the Authority may not approve the research if it has not been approved by an IRB.

Section 1580.70 Reporting Requirements

- a) Researchers must report proposed research changes to the IRB and the executive director of the Authority. The executive director of the Authority shall inform the appropriate funding agency.
- b) Any unanticipated problems involving risk or harm to subjects or others, noncompliance with applicable laws or regulations, or IRB requirements or determinations, must be immediately reported by the researcher to the IRB and the executive director of the Authority. The Authority and the IRB shall have the authorization and duty to suspend or terminate approval of research that is not being conducted in accordance with applicable laws or regulations, or IRB requirements or determinations, or that has been associated with unexpected risks or harm to subjects or others. Any suspension or termination of approval by the Authority or the IRB shall include a statement of the reasons for that action.
- c) The executive director of the Authority shall notify the appropriate funding agency of any unanticipated problems involving risk or harm to subjects or others, any instance of serious or continuing noncompliance with applicable laws or regulations, or IRB requirements or determinations, and all suspensions and terminations of research approval.
- d) The executive director of the Authority will forward all required certifications and documentation regarding the IRB review to the appropriate funding agency.
- e) The researchers may be required to submit progress reports to the IRB, the nature and frequency of which will be specified by the IRB.
- f) The IRB shall submit a report to the Authority's Planning and Research Committee on the actions of the IRB, prior to the committee's regular meetings.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED RULES

Section 1580.80 Requirements for Submitting Research Proposals

- a) The person or entity requesting the research involving human subjects must submit to the general counsel of the Authority a research application that includes the following written documentation:
- 1) A formal research proposal including the names and vitae of the researchers; an abstract of the project; a full description of the project purpose, methodology, protocol, and duration; the number of subjects, the amount of time required for each subject, and a detailed description of the interaction with the subjects; the procedures for obtaining informed consent; the testing or measurement instruments; and Authority resources to be utilized;
 - 2) Identification of funding sources for the research proposal;
 - 3) Any certifications and assurances regarding the protection of human research subjects, privacy and confidentiality, that are required by applicable law or regulations; and
 - 4) Any other information deemed necessary to the IRB review procedure.
- b) The general counsel of the Authority will review the application, in accordance with Section 1580.40(a).

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: 350.280
Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Safety Inspection and Education Act (SIEA) [820 ILCS 2201], and the Health and Safety Act (HSA) [820 ILCS 2251].
- 5) A Complete Description of the Subjects and Issues Involved: HSA Section 4(d) requires the Illinois Department of Labor (IDOL) to adopt all federal occupational safety and health standards (OSH rules) the U.S. Secretary of Labor promulgates, modifies or revokes, within 60 days after their effective date unless the State already has in place alternative rules that are at least as effective as the OSH rules. Since 1985, IDOL has incorporated by reference all final OSH rules published in 29 CFR 1910, 1915 and 1926. IDOL most recently adopted the three final OSH rules the U.S. Secretary of Labor promulgated, modified, or revoked in 29 CFR 1910, 1915 and 1926 between January 1999 and January 2000.

This proposed rulemaking incorporates by reference the two final OSH rules the U.S. Secretary of Labor promulgated, modified, or revoked in 29 CFR 1910, 1915 and 1926 between January 2000 and January 2001. IDOL adopts OSH rules rather than promulgating alternative standards to ensure that: (1) public sector workers have the same level of protection afforded to private sector workers within the State of Illinois, and (2) Illinois' public sector employers benefit from the elimination, updating, or clarification of the OSH rules IDOL previously adopted.

- a) FR 66:5196-5280 Safety Standards for Steel Erection; Final Rule
1/18/2001

SUMMARY: The rulemaking revises requirements IDOL previously incorporated by reference for steel erection. The revisions are the product of negotiated rulemaking, whereby OSHA (pursuant to the Negotiated Rulemaking Act of 1990, 5 USC 561) established an advisory committee of representatives from labor, industry, public interest and government agencies, that met for 18 months to develop a preamble, preliminary economic analysis and recommended regulatory text. The revisions contain requirements (providing performance-oriented criteria where possible) for hoisting and rigging, structural steel assembly, beam and column connections, joist erection, systems-engineered metal building erection, fall protection and training. Approximately 35 fatalities and 2,279 lost-workday injuries occur annually among structural metal workers. OSHA estimates that full compliance with the revised standard will prevent 30 of these

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

fatalities and 1,142 of the lost-workday injuries. OSHA projects that in a worst-case scenario, an affected firm: (1) absorbing the full cost of compliance will experience a 6.5 percent reduction in profit; or (2) passing all compliance costs forward to general contractors and project owners will need to increase its price by 0.40 percent to pay for these costs.

EFFECTIVE DATE: July 18, 2001.

- b) FR 65-5319-25 Occupational Exposure to Bloodborne Pathogens; Needlestick and Other Sharps Injuries; Final Rule 1/18/2001

SUMMARY: The rulemaking revises the bloodborne pathogens standard pursuant to the Needlestick Safety and Prevention Act, PL 106-430, 114 Stat. 1902, enacted November 6, 2000. Representative Cass Ballenger (Republican - North Carolina) sponsored the legislation. Congress found that the original standard "significantly reduced the risk that workers will contract a bloodborne disease in the course of their work. Nevertheless, 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV." Id. at 2(2) and (3).

The revisions supply new examples in the definition of engineering controls and two new definitions; require exposure control plans reflecting how employers implement new developments in control technology; require employers to solicit input from employees responsible for direct patient care in the identification, evaluation, and selection of engineering and work practice controls; and require employers (who employed more than 10 employees at any time during the last calendar year) to establish and maintain a log of percutaneous injuries from contaminated sharps. OSHA projects that compliance with the revisions will cost an establishment \$67 per year. IDOL incorporated the original bloodborne pathogens standard by reference at 17 Ill. Reg. 1074 (Jan. 19, 1993) (codified as amended at 56 Ill. Adm. Code 350.280(c)).

EFFECTIVE DATE: April 18, 2001.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes. The proposed rule incorporates the two final OSH rules located in 29 CFR 1910.1915 and 1926, the U.S. Secretary of Labor promulgated, modified, or revoked between January 2000 and January 2001. It does not include any

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

later amendments or editions.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

William Rolando, Assistant Director
Illinois Department of Labor
One West Old State Capitol Plaza, Room 300
Springfield, Illinois 62701
(217) 782-1704 (telephone)
(217) 782-0596 (telefax)

A public hearing is scheduled on:

July 18, 2000, at 1:00 P.M.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses or municipalities affected: Private employers are not affected by the proposed rulemaking. The proposal does, however, affect the State of Illinois and its political subdivisions. See SIEA [820 ILCS 270/2(a)]; HSA [820 ILCS 225/2]; 56 Ill. Adm. Code 350.20(b). See also AFSCME v. Bernardi, Case No. 85 CH 11947 (Cook County Cir. Ct., May 25, 1985) (commanding IDOL to include units of local government within the regulatory definition of "employer").

Costs associated with compliance are related to correcting work site safety and health hazards. They will have a direct and positive impact within the public sector work force.

The public sector will realize savings resulting from fewer workplace injuries and occupational diseases, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Section 4(e) of the HSA, and the rules thereunder at 56 Ill. Adm. Code 350.190, allow public sector employers to petition for variance from

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

standards when compliance cannot be achieved because of factors beyond their control.

B) Reporting, bookkeeping, or other procedures required by compliance:
See paragraph 5(a) above.

C) Types of professional skills necessary for compliance: General administrative skills are sufficient for compliance with the proposed amendments.

13) Regulatory Agenda on which this rulemaking was summarized: July 2000
The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER 1: DEPARTMENT OF LABOR

SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350

HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section	
350.10	Purpose and Scope
350.20	Definitions
350.30	Posting of Notice
350.40	Availability of Rules and Standards
350.50	Inspection Authority
350.60	Advance Notice of Inspection
350.70	Conduct of Inspections
350.80	Closing Conferences
350.90	Representatives of Employers and Employees
350.100	Objections During Inspection
350.110	Trade Secrets or Confidential Information
350.120	Consultation with Employees
350.130	Complaints by Employees
350.140	Imminent Danger
350.150	Citations
350.160	Posting of Citations
350.170	Appeal of Citation
350.180	Appeal of Abatement Period
350.190	Petition for Variance from Standards
350.195	Hearings
350.200	Advisory Inspections

SUBPART B: RECORDS OF INJURIES AND ILLNESSES

Section	
350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses
350.240	Supplementary Record of Injuries and Illnesses
350.250	Annual Summary
350.260	Retention of Records
350.270	Access to Records

SUBPART C: FEDERAL STANDARDS

Section	
350.280	Adoption of Federal Standards

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by the Safety Inspection and Education Act (820 ILCS 220) and the Health and Safety Act (820 ILCS 225).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11922, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

a) Incorporations

1) Pursuant to Section 4 of the Health and Safety Act, the Department hereby adopts by reference the general health and safety standards and special maritime and construction industry standards adopted by the Federal Occupational Safety and Health Administration as effective January 18, 2001 and amended at ~~PR64-225527--PR64-13892~~ ~~PR66-51961--PR66-51518~~ ~~PR68-377-1999-**end-amended-at--PR64-460467**~~ ~~PR64-225527--PR64-13892~~. These standards are located at 29 CFR 1910, 1915, and 1926 and do not include any later amendments or editions.

2) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998, no later amendments or editions) are incorporated into this Part. Where specific reference is made, and that reference incorporates material by reference, the material incorporated is a part of this Part and shall be that which is effective as indicated, not including any later amendments or editions. Copies are available at the Department's Chicago office. Copies of the Federal Occupational Safety and Health Administration may also be obtained at <http://www.osha-slc.gov/SLC/respiratoryprotection/index.html>.

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998).

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998).

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

Inspection Procedure for the Respiratory Protection Standard, CFE 2-0.120 (Sept. 18, 1998).

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998).

Illinois Fire Chiefs Association - A Guideline on OSHA's 1998 Update of Its 1971 Respiratory Protection Standard (March 9, 1999).

3) The following interpretation of 29 CFR 1910 and 1926, Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards: Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998, no later amendments or editions), 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998, no later amendments or editions), 29 CFR 1910, Methylene Chloride (1998, no later amendments or editions), 29 CFR 1910, Permit-Required Confined Spaces (1998, no later amendments or editions), 29 CFR 1910, 1915, 1917, 1918, and 1926, Powered Industrial Truck Operator Training (1999, no later amendments or editions) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

Preamble: Standards Improvement (Miscellaneous Changes) For General Industry and Construction Standards: Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998).

Preamble: Occupational Exposure to Asbestos; 7 63 Fed. Reg. 35137 (June 29, 1998).

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998).

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998).

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998).

4) The following interpretation of 29 CFR 1910, Dipping and Coating Operations (1999, no later amendments or editions) is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <http://www.osha.gov/comp-links.html>.

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT

13) Regulatory Agenda on which this rulemaking was summarized: July 2000
The full text of the proposed amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 740
CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section
740.10 Statewide Regulations
740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlisle Lake Lands and Waters - Corps of Engineers managed lands

Carlisle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhurst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season; hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

Kaskaskia River State Fish and Wildlife Area (Doxa Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (woodcock only; Monday - Thursday only through October)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther-Creek-Conservation-Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Creek Roost Area)

Red Hills State Park (statewide-hours-until-rabbit-season---then 8:00-a.m---4:00-p.m-)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Siebeck Forest Natural Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

East Conant Field (open only to hunters possessing a valid quality upland permit for the area)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

Hidden Springs State Forest (4:00 p.m. daily closing)

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit upland permit)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

Sanganois State Fish and Wildlife Area

~~Sate--Field--open--only--to--hunters--possessing-a-valid-quality-upland-permit-for-the-area~~

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to IDNR property boundary)

Chain O'Lakes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh (permit required)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of railroad tracks only; hunting hours from legal opening to 9 a.m.; fishing allowed between the railroad tracks and the county road after 10 a.m.; four hunters per blind site; all hunters must be checked out at sign-in box by 10 a.m.)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Dog Island Wildlife Management Area

Eldon Hazlet State Park - North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds 1/2 hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Simmsippi Conservation Area

Marshall State Fish and Wildlife Area - all management units

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sangamon State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Howard Memorial Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

Woodford Fish and Wildlife Area

e) Crow Hunting

1) Statewide regulations as provided for in this Part shall apply at

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season

2) Code Citation: 17 Ill. Adm. Code 720

3) Section Numbers:
720.10 Proposed Action:
720.25 Amendment
720.30 Amendment
720.40 Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open new counties to fall archery turkey hunting, allow members of limited liability companies to obtain landowner turkey permits, open and close State-owned or managed sites, change regulations at State sites and update language on turkey hunting regulations.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENT

the following sites (season dates in parentheses):

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)

Mississippi River Pools 16, 17, 18

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Panther Creek Conservation Area

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only; permit required)

2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER B: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section

- 720.10 Hunting Seasons and Counties Open to Hunting
720.20 Statewide Turkey Permit Requirements
720.25 Turkey Permit Requirements - Landowner/Tenant Permits
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1986; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season, October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650.
b) Open Counties:

Adams
Alexander
Bond
Boone
Brown

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Bureau
Calhoun
Carroll
Cass
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
DeKalb
Dewitt
Edgar
Edwards
Effingham
Fayette
Franklin
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kankakee
Knox
LaSalle
Lawrence
Lee
Logan
Macon
Macoupin
Madison
Marion
Marshall
Masson
Massac
McDonough
Menard

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Mercer
Monteie
Montgomery
Morgan
Ogle
Peoria
Perry
Piatt
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
Saline
Sangamon
Schuyler
Scott
Shelby
St. Clair
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Williamson
Winnebago
Woodford

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 720.25 Turkey Permit Requirements - Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid.

DEPARTMENT OF NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowner/tenants that do not reside on the property must possess a valid hunting license. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$25.
 - d) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of most recent estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
 - e) If applying for a tenant permit, applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
 - 2) The authorized form from the Farm Service Agency.
 - f) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family receive turkey permits.
 - g) Bona fide equity shareholders **Shareholders** of corporations or bona fide equity members of limited liability companies owning 40 or more acres of land in a county may apply for one permit to hunt the corporation or limited liability company lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations or limited liability companies. Lands leased to corporations or limited liability companies shall not be considered as a basis for a permit for the shareholders/members of the lessee. Lands held in trust by corporations or limited liability companies shall not be considered as a basis for a permit by the shareholders/members of the trustee. If application is made for a permit based upon lands owned by the corporation or limited liability company, a duly authorized officer of the corporation or limited liability company must sign a notarized statement authorizing the applicant to hunt on the corporate or company lands for which a permit is being requested. This statement

must identify the applicant as a bona fide equity ~~is a~~ shareholder of member as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation or limited liability company/ ~~are~~ ^{are} the document must be attached to the application upon submittal to the Permit Office. The shareholder/member turkey permit shall be free to resident shareholders/members and the cost to nonresident shareholders/members shall be \$25.

1) Bona fide equity shareholder means an individual who:

- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 2) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company/ or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company; and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
 - B) intends to retain the membership for at least 5 years.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 720.30 Turkey Hunting Regulations

a) It is unlawful:

- 1a) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- 2b) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
- 3c) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-tipped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal. Crossbows may be used as provided by 520 ILCS 5/2.13; (4d) for any person having taken the limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;

5e) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;

6f) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg; and to fail to send the mail-in portion of the turkey permit and feathers as indicated on the mail-in envelope to the Department in the envelope supplied within 48 hours of taking a turkey with bow and arrow; Failure to follow this rule constitutes illegal possession of a wild turkey and is punishable by a fine plus turkey hunting privileges being suspended for the following year; and 7h) to possess, while in the field during archery turkey season, any turkey permit issued to another person.

b) Successful hunters must register their harvest by 8:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in. Failure to comply with the regulations in this Part constitutes illegal possession of a wild turkey and is punishable by a fine and may result in license revocation and privilege suspension in accordance with 17 Ill. Adm. Code 2530 - Department Revocation Procedures.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Those sites followed by (2) require hunters to obtain a permit from the site before hunting:

- * Anderson Lake Conservation Area (1)
- Apple River Canyon State Park - Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands
- Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
- Castle Rock State Park (1)
- Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday, Tuesday, pheasant season and closes Tuesday following close of pheasant season; reopens December 26 till close of regular season) (1)
- Chauncey Marsh (2) (permit available at Red Hills State Park)
- Crawford County Conservation Area (1)
- Cypress Pond State Natural Area (1)
- Dixon Springs State Park (1)
- Dog Island Wildlife Management Area (1)
- East Conant Field (2)
- Ferne Clyffe State Park (1)
- Fort de Chartres Historic Site

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Fort Massac State Park (1)
- * Franklin Creek State Park (1)
- Giant City State Park
- Green River State Wildlife Area (1)
- Hamilton County Conservation Area (must possess valid site archery permit) (2)
- Harry "Babe" Woodyard State Natural Area (2)
- I-24 Wildlife Management Area (1)
- Jim Edgar Panther Creek State Fish and Wildlife Area (2)
- Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)
- Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)
- Jubilee College State Park (1) ††
- Kaskaskia River State Fish and Wildlife Area
- Kickapoo State Park (2)
- Kinkaid Lake Fish and Wildlife Area
- Lowden-Miller State Forest (1)
- MacKinaw River State Fish and Wildlife Area (1)
- Marseilles Wildlife Area (closed each Friday, Saturday, and Sunday in October) (1)
- Marshall State Fish and Wildlife Area (2)
- * Matthiessen State Park (hunting in designated areas only; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season; during the statewide firearm deer season, hunters must meet orange clothing requirements) (1)(2)
- Mermet Lake State Fish and Wildlife Area (1)
- Middle Fork State Fish and Wildlife Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Mississippi Palisades State Park (November 1 through December 31) (2)
- Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)
- Mississippi River Pools 16, 17 and 18
- Mississippi River Pools 21, 22 and 24
- Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)
- Oakford Conservation Area
- Panther-Creek-Conservation-Area**
- Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)
- Pere Marquette State Park (1)
- Pyramid State Park
- * Ramsey Lake State Park (2)
- * Randolph County Conservation Area
- Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)
- * Red Hills State Park (1)
- * Rend Lake Project Lands and Waters State Fish and Wildlife Area
- * Sahara-Woods-††-††
- Saline County Conservation Area (1)
- * Sam Dale Lake Conservation Area (2)
- * Sam Parr State Park (1)
- Sand Ridge State Forest (2)
- Sanganois State Fish and Wildlife Area (2)
- * Shabbona Lake State Park (1)
- Soto-Fried-†2**

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sielbeck Forest Natural Area (1)

Siloam Springs State Park

* Spring Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit - Statewide season, Public Hunting Area October 1 through October 31 ~~25 days prior to the opening-of-goose-season~~, reopens with the close of the Quota Zone goose season)

* Washington County Conservation Area (1)

Weinburg-King State Park

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3) Section Numbers: Proposed Action:

715.10

Amendment

715.20

Amendment

715.25

Amendment

715.30

Amendment

715.40

Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open new counties to hunting, open and close State-owned or managed sites to hunting, and allow members of limited liability companies to obtain landowner turkey permits.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: July 2000

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 715
THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

- 715.10 Hunting Season, Open Counties and Permit Quotas
- 715.20 Statewide Turkey Permit Requirements
- 715.21 Turkey Permit Requirements - Special Hunts
- 715.25 Turkey Permit Requirements - Landowner Tenant Permit
- 715.30 Turkey Hunting Regulations
- 715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.70, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11104, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.
- b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown
Calhoun
Carroll
Cass
Fulton
Gallatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Henderson

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jackson
 Jefferson
 Jersey
 Jo Daviess
 Johnson
 Knox
 Macoupin
 Madison
 Marion
 Mason
 McDonough
 Mercey
 Monroe
 Morgan
 Perry
 Pike
 Pope
 Randolph
 Rock Island
 Saline
 Schuyler
 Scott
 Stephenson
 Union
 Wayne
 Whiteside
 Williamson
 Winnebago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Non-resident turkey hunters shall be charged \$75 for a ~~the first~~ wild turkey hunting permit. ~~If a second permit is obtained, the fee shall be \$25.~~ Residents, except those exempted by Section 3.1 of the Wildlife Code (520 ILCS 5/3.1) are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Natural Resources - Turkey
 524 S. Second Street, Room 210

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

P.O. Box 19446

Springfield, IL 62704-0446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield. Applications received after the first Monday in July shall not be included in the drawing.
- d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. ~~Applications received after this date will not be included in the drawing.~~ All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. Illinois residents will be given preference for permits allocated in the second lottery drawing.
- e) Permits remaining after the two lotteries will be available in a random daily drawing that begins on the fourth Monday after the second lottery deadline. All applications received on or before this date will be processed in the first daily drawing. This drawing period is open to hunters applying for their first or second permits. Hunters may obtain a maximum of two permits for the fall gun season.
- f) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge shall be made.
- g) It shall be unlawful to:
- 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person;
 - 2) Apply for or receive more than two permits for the fall gun turkey season; or
 - 3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 715.25 Turkey Permit Requirements - Landowner/Tenant Permits

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. All resident landowners/tenants that do not reside on the property must possess a valid hunting license. Nonresident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50.
- d) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.
- e) Recipients of landowner/tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Monday in September from any permits remaining. Fees for this additional permit shall be \$15 for residents and \$25 for nonresidents.
- f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156E2 form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
 - 2) The authorized form from the Farm Service Agency.
- h) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- i) Bona fide equity shareholders **Shareholders** of corporations or bona fide equity members of limited liability companies owning 40 or more

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

acres of land in a county may apply for one permit to hunt the corporation or limited liability company lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations or limited liability companies. Lands leased to corporations or limited liability companies shall not be considered as a basis for a permit for the shareholders/members of the lessee. Lands held in trust by corporations or limited liability companies shall not be considered as a basis for a permit by the shareholders/members of the trustee. If application is made for a permit based upon lands owned by the corporation or limited liability company, a duly authorized officer of the corporation or limited liability company must sign a notarized statement authorizing the applicant to hunt on the corporate or company lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity ~~is a~~ shareholder or member as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation or limited liability company lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be \$37.50.

1) Bona fide equity shareholder means an individual who:

- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 2) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company; and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
 - B) intends to retain the membership for at least 5 years.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 715.30 Turkey Hunting Regulations

a) It is unlawful:

- 1a) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- 2b) to take, or attempt to take, more than one wild turkey per valid permit (either sex may be harvested);
- 3c) to use any weapon except a shotgun. #4 shot is the largest and #7 1/2 is the smallest size shot that may be legally used;
- 4d) to hunt except from 1/2 hour before sunrise to sunset during each day of the season;
- 5e) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
- 6f) to transport a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave a turkey that has been killed without properly attaching the turkey permit around the leg-the wild turkey shall be taken whole or field-dressed-by the hunter-in-person-to-the designated check station-for the county-in which it was killed-or the closest check station-by 7:00 p.m. the same day it was killed. It shall be checked, tagged and recorded by the Department at the check station;
- 7g) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.; and
- 8h) to possess while in the field, during turkey season, any turkey permit issued to another person. (Permits are non-transferable.)

b) Successful hunters must register their harvest by 8:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.

c) Failure to comply with the regulations in this Part constitutes illegal possession of a wild turkey and is punishable by a fine and may result in license revocation and privilege suspension in accordance with 17 Ill. Adm. Code 2530 - Department Revocation Procedures.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

a) Statewide regulations shall apply for the following sites:

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pool 16

Mississippi River Pool 18 (Henderson County only)

Mississippi River Pools 21, 22, 24

Panther Creek Conservation Area

Reed Lake Project Lands (portion in Jefferson County only)

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest

Cache River State Natural Area (Johnson County portion only)

Cypress Bend State Natural Area

Dog Island Wildlife Management Area

Forie Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

I-24 Wildlife Management Area

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area - Firing Line Management Unit Only

Weinburg-King State Park

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park - Salem and Thompson Units

Jim Edgar Panther Creek State Fish and Wildlife Area

Sand Ridge State Forest

Sato-Peaid

Witkowsky State Wildlife Area

d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area - Firing Line Management Unit Only

Weinburg-King State Park

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park - Salem and Thompson Units

Jim Edgar Panther Creek State Fish and Wildlife Area

Sand Ridge State Forest

Sato-Peaid

Witkowsky State Wildlife Area

d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area - Firing Line Management Unit Only

Weinburg-King State Park

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park - Salem and Thompson Units

Jim Edgar Panther Creek State Fish and Wildlife Area

Sand Ridge State Forest

Sato-Peaid

Witkowsky State Wildlife Area

d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area - Firing Line Management Unit Only

Weinburg-King State Park

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park - Salem and Thompson Units

Jim Edgar Panther Creek State Fish and Wildlife Area

Sand Ridge State Forest

Sato-Peaid

Witkowsky State Wildlife Area

d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

ILLINOIS REGISTER

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area - Firing Line Management Unit Only

Weinburg-King State Park

c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park - Salem and Thompson Units

Jim Edgar Panther Creek State Fish and Wildlife Area

Sand Ridge State Forest

Sato-Peaid

Witkowsky State Wildlife Area

d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Availability will be publicly announced.

Rock Cut State Park

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Grade A Pasteurized Milk and Milk Products

- 2) Code Citation: 77 Ill. Adm. Code 775

- 3) Section Numbers:
775.150 Proposed Action:
 Amendment

- 4) Statutory Authority: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act [410 ILCS 635].

- 5) A Complete Description of the Subjects and Issues Involved: These rules set forth monetary penalties for drug residue violations to be paid by Illinois dairy producers and withholding periods in which milk containing violative drug residues may not be sold. The draft amendments eliminate the 48 hour withholding period for the first occurrence of a violative drug residue. To replace the 48 hour period, the amendments specify that another sample will be taken after corrections have been made. These corrections may include removing a cow that is being treated with antibiotics from the herd or re-cleaning equipment that may contain a drug residue. The elimination of the 48 hour withholding period results from recommendations made by the National Conference on Interstate Milk Shipments and changes to the Grade A Pasteurized Milk Ordinance published by the U.S. Food and Drug Administration. This document is a model ordinance adopted by all 50 states, the District of Columbia and the U.S. Trust Territories for the uniform regulation of milk and milk products in interstate commerce. With the removal of the 48 hour withholding period, the Department has also decided to remove the alternative monetary penalty for the first occurrence of a violative drug residue.

- 6) Will this Rulemaking replace an Emergency Rulemaking currently in effect?
No

- 7) Does this Rulemaking contain an automatic repeal date? No

- 8) Does this Rulemaking contain any incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
775.10	Amendment	24 Ill. Reg. 14384
775.20	Amendment	24 Ill. Reg. 14384
775.30	Amendment	24 Ill. Reg. 14384

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- these rules by writing, within 45 days after this issue of the Illinois Register to:

Paul Thompson, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
775-722-3131
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Organizations Affected: Dairy Producers

- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No additional reporting will be required as a result of this rulemaking.

- C) Types of Assistance Small Businesses, Small Municipalities, and Not-For-Profit Organizations May Receive: None

- 13) Date of regulatory agenda on which this rulemaking was summarized: July 2000

The full text of the proposed amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 775

GRADE A PASTEURIZED MILK AND MILK PRODUCTS

Section

775.1 Minimum Regulations (Renumbered)

775.10 Definitions

775.20 Incorporated Materials

775.30 Minimum Requirements

775.40 Local Government Implementation

775.50 Permits

775.60 Suspension of Permits

775.70 Inspections and Investigations

775.80 Approval of Construction Plans

775.90 Administrative Hearings

775.100 Milk Haulers Examination

775.110 Cleaning and Sanitizing Procedures

775.120 Action Levels for Added Water in Milk

775.130 Pesticide, Herbicide and Mycotoxin Residue Control Program

775.140 Drug Residue Control Program

775.150

AUTHORITY: Authorized by and implementing the Grade A Pasteurized Milk and Milk Products Act (410 ICSC 635).

SOURCE: Adopted and codified at 8 Ill. Reg. 4190, effective March 16, 1984; amended at 11 Ill. Reg. 1464, effective February 1, 1987; amended at 12 Ill. Reg. 17925, effective December 1, 1988; amended at 17 Ill. Reg. 14015, effective August 15, 1993; amended at 19 Ill. Reg. 12271, effective August 10, 1995; amended at 22 Ill. Reg. 20633, effective November 10, 1998; amended at 25 Ill. Reg. _____, effective _____.

Section 775.150 Drug Residue Control Program

a) Equipment used to administer drugs and medicines shall not be cleaned in the wash vats and shall be stored so as not to contaminate the milk or milk contact surfaces of equipment.

b) Drugs and medicines shall be stored in such a manner that they cannot contaminate the milk or milk product contact surface of the equipment, containers or utensils. Such products shall be properly labeled to include:

- 1) The name and address of the manufacturer or distributor (for O.T.C. medicines and drugs), or veterinary practitioner dispensing the product (for Rx and Extra-label use medicines and drugs);

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

2) Directions for use, and prescribed holding times;

3) Cautionary statements, if needed; and

4) Active ingredients ~~ingredients~~ in the drug product.

c) Unapproved and/or improperly labeled drugs and medicines shall not be used to treat dairy animals and shall not be stored in the milkhouse, milking barn, stable or parlor. Drugs and medicines intended for treatment of non-lactating dairy animals shall be segregated from those drugs and medicines used for lactating animals. (Separate shelves in cabinets, refrigerators, or other storage facilities satisfy this item.)

d) Topical antiseptics, wound dressings (unless intended for direct injection into the teat), vaccines and other biologics, and dosage from vitamins and/or mineral products are exempt from labeling and storage requirements except when it is determined that they are stored in such a manner that they may contaminate the milk or milk product surfaces of containers or utensils.

e) The following describes the Department's drug residue control program for Grade A raw milk under Section 6 of the PMO.

- 1) If the analysis of a sample from a bulk milk pickup tanker or milk received directly from the farm bulk tank shows any drug residues at or above the tolerances and/or safe levels of drug residues as established by Appendix N of the PMO, then the individual sample collected from each producer's milk that was in the bulk milk pickup tanker is tested to determine which producer or producers have created or contributed to the drug residue.

2) When the individual sample testing is complete and the tests indicate a violative drug residue, the producer's or producers' Grade A permit will be summarily suspended. Another sample will be taken from milk produced after corrections have been made ~~a-48 hour-withholding-period~~ to determine whether this adulteration is ~~continual~~. ~~On-the-second-and-third-occurrence-of-the-violative drug-residue-in-a-12-month-period-the-producer's-grade-A-permit will-be-summarily-suspended--Another-sample-will-be-taken-from milk-produced-after-a-96-hour-withholding-period-to-determine whether-this-adulteration-is-continual~~. For the third occurrence of a drug residue in any 12 month period the Department shall initiate administrative procedures pursuant to revocation of the producer's permit.

3) If the resample ~~taken-after-48-or-96-hours-as-applicable~~ shows no violative drug residue, the suspended Grade A permit will be conditionally reinstated for up to 30 days. The producer and a licensed veterinarian must complete a quality assurance (QA) program, within the 30 day conditional reinstatement of the Grade A permit.

4) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate, signed by the producer and a licensed veterinarian, the producer's Grade A permit shall be fully reinstated.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

f) The following describes the **alternative** penalty procedures for the Department's drug residue control program for Grade A raw milk.

1) These procedures shall be followed when **when** individual sample testing for drug residues has been completed, **and** test results indicate a violative drug residue, and the producer's or producers' Grade A permit is **will--be** summarily suspended in accordance with subsection (e) of this Section. The producer or producers shall **may submit to the Department a written request for an equivalent penalty to the 48-hour withholding period--for the first occurrence and 96 hour withholding period following the violative shipment for the second and third occurrences in any 12 month period. The equivalent penalty for the first occurrence shall be 48 hours following the violative shipment. The equivalent penalty for the second and third occurrences shall be 96 hours following the violative shipment. The penalty shall be paid to the Department by the first buyer of the milk, by the last day of the month immediately following the violation. Following the third occurrence of a drug residue violation in any 12 twelve month period, the Department shall initiate administrative procedures, pursuant to Section 775.90, to permanently revoke the producer's permit.**

2) The producer's Grade A permit will be conditionally reinstated for up to 30 days when a subsequent sample of the producer's milk does not contain a violative drug residue. The producer and a licensed veterinarian must complete a quality assurance (QA) program within the 30 day conditional reinstatement of the Grade A permit.

3) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's Grade A permit shall be fully reinstated.

g) All monies collected through the drug residue control program and deposited in the Food and Drug Safety Fund will be dedicated to drug residue prevention efforts, producer education and providing information in the prevention of drug residues.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Veterans' Homes Code

2) Code Citation: 77 Ill. Adm. Code 340

3) Section Numbers: ~~140.1180~~
New Section

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) A complete description of the subjects and issues involved; Part 340 establishes requirements for licensure of Illinois veterans homes. A new Section 340.1380 (Emergency Response System Notification) is being added. The new Section lists circumstances in which a facility will be required to call "911". The facility will also be required to comply with other reporting requirements in Part 340.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking replace an Emergency Rulemaking currently in effect?
No

7) Does this Rulemaking contain an automatic repeal date? No

8) Does this Rulemaking contain any incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which interested persons may comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

John J. Pappas
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@dph.state.il.us

These rules may have an impact on small businesses. In accordance with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: None
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 340

ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section	
340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1130	Denial of Initial License
340.1140	Revocation or Denial of Renewal of License
340.1150	Inspections, Surveys, Evaluations, and Consultations
340.1160	Presentation of Findings by the Department
340.1170	Ownership Disclosure
340.1190	Monitor and Receivership
340.1200	Determination of a Violation
340.1210	Determination of the Level of a Violation
340.1220	Plans of Correction and Reports of Correction
340.1230	Calculation of Penalties
340.1240	Conditions for Assessment of Penalties
340.1245	Reduction or Waiver of Penalties
340.1250	Supported Congregate Living Arrangement Demonstration
340.1255	Waivers
340.1260	

SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1310	Admission and Discharge Policies
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nurse Aides
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants
340.1380	Emergency Response System Notification

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART C: RESIDENT RIGHTS

Implementation of Resident Rights and Facility Responsibilities

Section
340.1400
340.1410
340.1420
340.1430
340.1440
340.1450
340.1460
340.1470
340.1480
340.1490

General
Contract Between Resident and Facility
Residents' Advisory Council
Abuse and Neglect
Communication and Visitation
Resident's Funds
Transfer of Discharge
Complaint Procedures
Private Right of Action

SUBPART D: HEALTH SERVICES

Section
340.1500
340.1505
340.1510
340.1520
340.1530
340.1535
340.1540
340.1550
340.1560
340.1570
340.1580
340.1590
340.1600
340.1610
340.1620
340.1630

Medical Care Policies
Medical, Nursing and Restorative Services
Communicable Disease Policies
Tuberculin Skin Test Procedures
Physician Services
Dental Programs
Life-Sustaining Treatments
Obstetrical and Gynecological Care
Nursing Personnel
Personal Care
Restraints
Nonemergency Use of Physical Restraints
Emergency Use of Physical Restraints
Necessary, Psychotropic, and Antipsychotic Drugs
Medication Administration
Self-Administration of Medication

SUBPART E: MEDICATION ADMINISTRATION SERVICES

Section
340.1650
340.1655
340.1660
340.1665
340.1670

Medication Policies and Procedures
Conformance with Physician's Orders
Administration of Medication
Control of Medication
Labeling and Storage of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section
340.1700
340.1710

Recreational and Activity Programs
Social Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

340.1720 Work Programs
340.1730 Visitation Program

SUBPART G: RESIDENT RECORDS

Section
340.1800
340.1810
340.1820
340.1830
340.1840

Resident Record Requirements
Content of Medical Records
Records Pertaining to Resident's Property
Retention, Transfer, and Inspection of Records
Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section
340.1900
340.1910
340.1920
340.1930
340.1940
340.1950
340.1960

Food Service Staff
Diet Orders
Meal Planning
Therapeutic Diet: (N/A) (N/A)
Menus and Food Records
Food Preparation and Service
Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,
FURNISHINGS, EQUIPMENT AND SUPPLIES

Section
340.2000
340.2010
340.2020
340.2030
340.2040
340.2050

Materials
Water Supply, Sewage Disposal and Plumbing
Housekeeping
Laundry Services
Housekeeping
Equipment and Supplies

TABLE A Heat Index Table/Apparent Temperature
TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (210 ILCS 451).

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendments at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 21 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1380 Emergency Response System Notification

- a) For the purpose of this Section, "911" shall mean an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.
- b) The facility shall call 911 in the following situations:
- 1) Emergencies;
 - 2) Physical abuse that cannot be alleviated by staff intervention;
 - 3) Sexual abuse (for the purpose of this Section, sexual abuse means sexual penetration, intentional sexual touching or fondling, or sexual exploitation (i.e., use of an individual for another person's sexual gratification, arousal, advantage, or profit));
 - 4) When a crime has been committed in a facility by a person other than a resident; or
 - 5) When a resident death has occurred other than by disease processes.
- c) The facility shall also comply with other reporting requirements of this Part.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Numbers: Proposed Action:
350.750 New Section
- 4) Statutory Authority: Nursing Home Care Act (210 ILCS 45)
- 5) A Complete Description of the Subjects and Issues Involved: Part 350 establishes requirements for licensure of intermediate care facilities for the developmentally disabled. A new Section 350.750 (Emergency Response System Notification) is being added. The new Section lists circumstances in which a facility will be required to call "911". The facility will also be required to comply with other reporting requirements in Part 350. The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rulemaking Currently in Effect?
No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
350.683	Amendment	24 Ill. Reg. 17448
350.3760	Amendment	24 Ill. Reg. 17448
350.3850	Amendment	24 Ill. Reg. 17448

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217.782.3943
e-mail: rulemaking@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 3-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) mentioned on these rules shall indicate their status as such, in writing, in their comments.

1.) Public Facilities, Facilities:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Organizations Affected: Intermediate care facilities for the developmentally disabled

B) Reporting, Bookkeeping or Other Procedures Affected: None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

535 West Jefferson St., 5th Floor
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PART 150
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

General Provisions

350.120	General Requirements
350.130	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Inspections, Surveys, Evaluations and Consultation
350.200	Filing an Annual Attested Financial Statement
350.210	Information to Be Made Available to the Public By the Department
350.220	Information to Be Made Available to the Public By the Licensee
350.230	Municipal Licensing
350.240	Issuance of Conditional Licenses
350.250	Monitor and Receivership
350.260	Presentation of Findings
350.270	Determination to Issue a Notice of Violation or Administrative
350.271	Sanction
350.276	Determination of the Level of a Violation
350.277	Notice of Violation
350.278	Attorney General's Waiver
350.280	Plans of Correction
350.282	Reports of Correction
350.284	Conditions for Assessment of Penalties
350.286	Calculation of Penalties
350.288	Determination to Assess Penalties
350.290	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Sanctioned Facilities Undergoing Assessment, Investigation, or
350.320	Waiver
350.330	Referral
350.340	Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART B: ADMINISTRATION

Section 350.510	Administrator
SUBPART C: POLICIES	

Section 350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening
350.630	Admission and Discharge Policies
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents
350.750	Emergency Response System Notification

SUBPART D: PERSONNEL

Section 350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

Section 350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1055	Volunteer Program
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff
350.1080	Restraints
350.1082	Nonemergency Use of Physical Restraints
350.1084	Emergency Use of Physical Restraints
350.1086	Unnecessary, Psychotropic and Antipsychotic Drugs

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART F: HEALTH SERVICES

Section 350.1210	Health Services
350.1220	Physician Services
350.1223	Communicable Disease Policies
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services
350.1235	Life-Sustaining Treatments
350.1240	Dental Services
350.1250	Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

Section 350.1410	Medication Policies and Procedures
350.1420	Conformance with Physician's Orders
350.1430	Administration of Medication
350.1440	Labeling and Storage
350.1450	Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section 350.1610	Resident Record Requirements
350.1620	Content of Medical Records
350.1630	Confidentiality of Resident's Records
350.1640	Records Pertaining to Residents' Property
350.1650	Retention and Transfer of Resident Records
350.1660	Other Resident Record Requirements
350.1670	Staff Responsibility for Medical Records
350.1680	Retention of Facility Records
350.1690	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section 350.1810	Director of Food Services
350.1820	Dietary Staff in Addition to Director of Food Services
350.1830	Hygiene of Dietary Staff
350.1840	Diet Orders
350.1850	Meal Planning
350.1860	Therapeutic Diets (Repealed)
350.1870	Scheduling Meals
350.1880	Menus and Food Records
350.1890	Food Preparation and Service
350.1900	Food Handling Sanitation
350.1910	Kitchen Equipment, Utensils, and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

350.2010

Maintenance

350.2020

Housekeeping

350.2030

Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210

Furnishings

350.2220

Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

350.2410

Codes

350.2410

Water Supply

350.2420

Sewage Disposal

350.2430

Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2610

Applicability of These Standards

350.2620

Codes and Standards

350.2630

Preparation of Drawings and Specifications

350.2640

Site

350.2650

Administration and Public Areas

350.2660

Nursing Unit

350.2670

Dining, Living, Activities Rooms

350.2680

Therapy and Personal Care

350.2690

Service Departments

350.2700

General Building Requirements

350.2710

Structural

350.2720

Mechanical Systems

350.2730

Plumbing Systems

350.2740

Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910

Applicability

350.2920

Codes and Standards

350.2930

Preparation of Drawings and Specifications

350.2940

Site

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART O: ADMINISTRATION AND PUBLIC AREAS

Section

350.2950

Administration and Public Areas

350.2960

Living, Dining, Activities Rooms

350.2980

Treatment and Personal Care

350.2990

Communication and Visitation

350.3000

Resident's Purds

350.3010

Structural

350.3020

Plumbing Systems

350.3030

Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

350.3210

Medical and Personal Care Program

350.3220

Restraints

350.3230

Abuse and Neglect

350.3250

Communication and Visitation

350.3260

Resident's Purds

350.3270

Residents' Advisory Council

350.3280

Private Right of Action

350.3300

Complaint and Grievance

350.3310

Complaint and Grievance

350.3320

Complaint and Grievance

350.3330

Complaint and Grievance

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section

350.3710

Applicability of Other Provisions of this Part

350.3720

Admission and Discharge Policies

350.3730

Personnel

350.3740

Consultation Services and Nursing Services

350.3750

Medical and Nursing Services

350.3760

Food Services

350.3770

Codes and Standards

350.3780

Administration and Public Areas

350.3790

Nurses Station

350.3800

Bath and Toilet Rooms

350.3810

Utility Rooms

350.3820

Living, Dining, Activity Rooms

350.3830

Therapy and Personal Care

350.3840

Therapy and Personal Care

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Day Care in Long-Term Care Facilities

Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)

Federal Requirements Regarding Residents' Rights (Repealed)

Seismic Zone Map

Forms for Day Care in Long-Term Care Facilities

Guidelines for the Use of Various Drugs

Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled

Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled

Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code

1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less

Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less

Heat Index Table/Apparent Temperature

TABLE F

AUTHORITY: Implemented and authorized by the Nursing Home Care Act [210 ILCS

451].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 351, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10055, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001;

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 390.740 Background Response System Notification

a) For the purpose of this Section, "911" shall mean an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

b) The facility shall call 911 in the following situations:

- 1) Emergencies;
 - 2) Physical abuse that cannot be alleviated by staff intervention;
 - 3) Sexual abuse (for the purpose of this Section sexual abuse means sexual penetration, intentional sexual touching or fondling, or sexual exploitation (i.e., use of an individual for another person's sexual gratification, arousal, advantage, or profit));
 - 4) When a crime has been committed in a facility by a person other than a resident; or
 - 5) When a resident death has occurred other than by disease processes.
- c) The facility shall also comply with other reporting requirements of this Part.

(Source: Added at 25 Ill. Reg. _____, effective _____.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3) Section Number: 390.750
Section Title: New Section

4) Statutory Authority: Nursing Home Care Act (210 ILCS 45)

5) A Complete Description of the Subjects and Issues Involved: Part 390 establishes requirements for licensure of long-term care facilities for persons age 22 and under. A new Section 390.750 (Emergency Response System Notification) is being added. The new Section lists circumstances in which a facility will be required to call "911". The facility will also be required to comply with other reporting requirements in Part 390.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rulemaking Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? No
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
P. O. Box 1000
Springfield, Illinois 62702

These rules may have an impact on small businesses. In accordance with

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Long-term care facilities for persons under age 22.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
390.110
390.120
390.130
390.140
390.150
390.160
390.165
390.170
390.175
390.180
390.190
390.200
390.210
390.220
390.230
390.240
390.250
390.260
390.270
390.271
390.272
390.274
390.276
390.277
390.278
390.280
390.282
390.284
390.286
390.288
390.290
390.290
390.300
390.310
390.315
390.320
390.330
390.340

General Requirements
Application for License
Licensee
Issuance of an Initial License for a New Facility
Issuance of an Initial License Due to a Change of Ownership
Issuance of a Renewal License
Criteria for Adverse License Actions
Denial of Initial License
Denial of Renewal of License
Revocation of License
Experimental Program Conflicting With Requirements
Inspections, Surveys, Evaluations and Consultation
Filing an Annual Attested Financial Statement
Information to Be Made Available to the Public by the Department
Information to Be Made Available to the Public By the Licensee
Municipal Licensing
Ownership Disclosure
Issuance of Conditional Licenses
Monitor and Receivership
Presentation of Findings
Determination to Issue a Notice of Violation or Administrative Warning
Determination of the Level of a Violation
Notice of Violation
Administrative Warning
Plans of Correction
Reports of Correction
Conditions for Assessment of Penalties
Calculation of Penalties
Determination to Assess Penalties
Reduction or Waiver of Penalties
Quarterly List of Violators (Repealed)
Alcoholism Treatment Programs in Long-Term Care Facilities
Department May Survey Facilities Formerly Licensed
Supported Congregate Living Arrangement Demonstration
Waivers
Definitions
Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

SUBPART B: ADMINISTRATION

Section	Administrative
390.500	
Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation, Adoptive
390.681	Health Care Workers Background Checks
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disease Preparedness
390.700	Serious Incidents and Accidents
390.710	Emergency Response, Disaster Preparedness
390.720	

SUBPART D: PERSONNEL

Section	General
390.810	
390.820	Categories of Personnel
390.830	Consultation Services
Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Systems
390.1030	Physician Services
390.1035	Subcutaneous Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	General
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Systems
390.1030	Physician Services
390.1035	Subcutaneous Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section	Work Activity and Provocational Training Services
390.1112	

Section	Restraints
390.1110	Nonemergency Use of Physical Restraints
390.1112	Emergency Use of Physical Restraints
390.1114	Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1116	Behavior Management
390.1118	Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section	Medication Policies and Procedures
390.1110	Communication with Physician's Orders
390.1112	Administration of Medication
390.1114	Labeling and Storage of Medications
390.1116	Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section	Resident Facility Records
390.1610	Content of Medical Records
390.1612	Confidentiality of Resident's Records
390.1614	Resident Identification: Residents' Property
390.1616	Retention and Transfer of Resident Records
390.1620	Other Resident Record Requirements
390.1670	Staff Responsibility for Medical Records
390.1680	Retention of Facility Records
390.1690	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section	Director of Food Services
390.1810	Dietary Staff in Addition to Director of Food Services
390.1820	Hygiene of Dietary Staff
390.1840	Diet Orders
390.1850	Meal Planning
390.1860	Tariffs and Therapeutic Diets
390.1870	Menu Planning
390.1880	Menus and Food Records
390.1890	Food Preparation and Service
390.1900	Preparation of Infant Formula

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 390.1910 Food Handling Sanitation
 390.1920 Kitchen Equipment, Utensils, and Supplies
- SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- Section
 390.2010 Maintenance
 390.2020 Housekeeping
 390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- Section
 390.2210 Furnishings
 390.2220 Equipment and Supplies
 390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- Section
 390.2410 Codes
 390.2420 Water Supply
 390.2430 Sewage Disposal
 390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

- Section
 390.2610 Applicability of these Standards
 390.2620 Codes and Standards
 390.2630 Preparation of Drawings and Specifications
 390.2640 Site
 390.2650 Administration and Public Areas
 390.2660 Nursing Unit
 390.2670 Dining, Play, Activity/Program Rooms
 390.2680 Therapy and Personal Care
 390.2690 Service Departments
 390.2700 General Building Requirements
 390.2710 Structural
 390.2720 Mechanical Systems
 390.2730 Plumbing Systems
 390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

- Section
 390.2910 Applicability
 390.2920 Codes and Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 390.2930 Preparation of Drawings and Specifications
 390.2940 Site
 390.2950 Administration and Public Areas
 390.2960 Nursing Unit
 390.2970 Play, Dining, Activity/Program Rooms
 390.2980 Treatment and Personal Care
 390.2990 Service Departments
 390.3000 General Building Requirements
 390.3010 Structural
 390.3020 Mechanical Systems
 390.3030 Plumbing Systems
 390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

- Section
 390.3210 General
 390.3220 Medical and Personal Care Program
 390.3230 Restraints
 390.3240 Abuse and Neglect
 390.3250 Communication and Visitation
 390.3260 Residents' Funds
 390.3270 Residents' Advisory Council
 390.3280 Contract With Facility
 390.3290 Private Right of Action
 390.3300 Transfer or Discharge
 390.3310 Complaint Procedures
 390.3320 Confidentiality
 390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

- Section
 390.3510 Day Care in Long-term Care Facilities
- APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
- APPENDIX B Forms for Day Care in Long-Term Care Facilities
- APPENDIX C Guidelines for the Use of Various Drugs
- TABLE A Infant Feeding
- TABLE B Daily Nutritional Requirements By Age Group
- TABLE C Sound Transmissions Limitations
- TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
- TABLE E Sprinkler Requirements
- TABLE F Heat Index Table/Apparent Temperature

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16986, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19873; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16789, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19231, effective December 1, 1989; amended at 13 Ill. Reg. 14804, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7294, effective May 4, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15607, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 5, 1996; amended at 21 Ill. Reg. 12104, effective September 12, 1996; amended at 22 Ill. Reg. 4067, effective February 13, 1998; amended at 23 Ill. Reg. 7188, effective April 15, 1998; amended at 23 Ill. Reg. 18576, effective September 18, 1998; amended at 23 Ill. Reg. 18667, effective January 15, 1999; amended at 23 Ill. Reg. 96021, effective July 31, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 25 Ill. Reg.

SUBPART C: POLICIES

Section 390.750 Emergency Response System Notification

- a) For the purpose of this Section, "gill" shall mean an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.
- b) The facility shall call gill in the following situations:
 - 1) Emergencies;
 - 2) Physical abuse that cannot be alleviated by staff intervention;
 - 3) Sexual abuse (for the purpose of this Section, sexual abuse means sexual penetration, intentional sexual touching or fondling, or sexual exploitation (i.e., use of an individual for another person's sexual gratification, arousal, advantage, or profit));
 - 4) When a crime has been committed in a facility by a person other than a resident; or
 - 5) When a resident death has occurred other than by disease processes.

c) The facility shall also comply with other reporting requirements of this Part.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Manufactured Dairy Products
- 2) Code Citation: 77 Ill. Adm. Code 785
- 3) Section Numbers: Proposed Action:
785.290 Amendment
785.1220 Amendment
- 4) Statutory Authority: Authorized by and implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620].
- 5) A Complete Description of the Subjects and Issues Involved: These rules require laboratory testing of milk for the presence of somatic (tissue) cells at least four times in each 6-month period. The proposed rulemaking would lower the acceptable somatic cell count standard for milk for manufacturing purposes from 1,000,000 to 750,000 somatic cells per milliliter. When the somatic cell count exceeds this standard, procedures specified in the rules for written warnings and rejection of the producer's milk will be put into place by the Department until compliance with the standard is achieved. Adoption of this somatic cell count level will bring Illinois into compliance with national standards based on the Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing published by the U.S. Department of Agriculture. The somatic cell count standard of 750,000 somatic cells per milliliter is widely accepted in the industry.

In addition, the existing rules set forth monetary penalties for drug residue violations to be paid by Illinois dairy producers and withholding periods in which milk containing violative drug residues may not be sold. The proposed amendments eliminate the 48 hour withholding period for the first occurrence of a violative drug residue. To replace the 48 hour period, the amendments specify that another sample will be taken after corrections have been made. The elimination of the 48 hour withholding period results from recommendations made by the National Conference on Interstate Milk Shipments and changes to the Grade A Pasteurized Milk Ordinance published by the U.S. Food and Drug Administration. This document is a model ordinance adopted by all 50 states, the District of Columbia and the U.S. Trust Territories for the uniform regulation of milk and milk products in interstate commerce. With the removal of the 48 hour withholding period, the Department has also decided to remove the alternative monetary penalty for the first occurrence of a violative drug residue.

- 6) Will this rulemaking replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

- 8) Does this rulemaking contain any incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any state mandates on units of local government.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@dph.state.il.us

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Dairy producers
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: No additional reporting will be required as a result of this rulemaking.
- C) Types of Professional Skills Necessary for Compliance: None
- 13) Regulatory Agenda in which this rulemaking was summarized: July 2000

The full text of the proposed amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 785

MILKHOUSE UTENSILS, EQUIPMENT

SUBPART A: DEFINITIONS

Section	Meaning of Words
785.110	Definitions
785.120	Incorporated Material

SUBPART B: ILLINOIS QUALITY REQUIREMENTS FOR MILK FOR MANUFACTURING PURPOSES

Section	Basis
785.200	Appearance and Odor
785.210	Sediment Content
785.230	Bacterial Estimate
785.240	Rejected Milk
785.250	Excluded Milk
785.260	Quality Testing of Milk from New Producers
785.270	Record of Tests
785.280	Field Service
785.290	Abnormal Milk

SUBPART C: REQUIREMENTS FOR FARMS PRODUCING MILK FOR MANUFACTURING

Section	Health of Herd
785.310	Milking Facility and Housing
785.320	Milking Procedure
785.330	Cooling
785.340	Milkhouse or Milkroom
785.350	Utensils and Equipment
785.360	Protection from Contamination
785.370	Water Supply
785.380	Waste Disposal
785.390	Qualifications for Farm Licensing

SUBPART D: REQUIREMENTS FOR LICENSED DAIRY PLANTS

Section	General Requirements
785.405	Sanitation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

785.410	Facilities
785.415	Equipment and Utensils
785.420	Personnel Cleanliness
785.430	Personal Health
785.440	Protection and Transportation of Raw Milk and Cream
785.450	Raw Product Storage
785.460	Pasteurization or Sterilization
785.470	Composition of Products
785.480	Classification of Products
785.490	Labeling and Sanitizing Program
785.500	Plant Records
785.510	Plant Records and General Identification
785.520	Packaging and General Identification
785.530	Storage of Finished Product
785.540	Qualification for Plant Licensing

SUBPART E: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING AND PACKAGING INSTANT NONFAT DRY MILK, NONFAT DRY MILK, DRY WHOLE MILK, DRY BUTTERMILK, DRY WHEY, AND OTHER DRY MILK PRODUCTS

Section	Rooms and Compartments - Dry Storage of Product
785.500	Packaging Room for Bulk Products
785.503	Hopper or Dump Room
785.506	Repackaging Room
785.509	Equipment and Utensils - General
785.517	Installation
785.518	Reheaters
785.519	Hot Wells
785.521	Evaporators and/or Vacuum Pans
785.524	Surge Tanks
785.527	High Pressure Pumps and Lines
785.530	Driers
785.533	Collectors and Conveyors
785.536	Dry Dairy Product Cooling Equipment
785.539	Special Treatment Equipment
785.542	Sifters
785.545	Portable and Stationary Bulk Bins
785.548	Automatic Sampling Device
785.551	Dump Hoppers, Screens, Mixers and Conveyors
785.554	Filler and Packaging Equipment
785.557	Heavy Duty Vacuum Cleaners
785.560	Clothing and Shoe Covers
785.563	Operations and Operating Procedures - Pasteurization
785.566	Condensed Surge Supply
785.569	Condensed Storage Tanks
785.572	Drying
785.575	Cooling Dry Products
785.578	Packaging, Repackaging and Storage

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

785.581 Product Adulteration
785.584 Checking Quality
785.587 Requirements for Instant Nonfat Dry Milk
785.590 Cleaning of Dryers, Conveyors, Sifters, and Storage Bins
785.593 Insect and Rodent Control Program

SUBPART F: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING, PROCESSING
AND PACKAGING BUTTER AND RELATED PRODUCTS

Section
785.600 Rooms and Compartments - Coolers and Freezers
785.605 Churn Rooms
785.610 Print and Bulk Packaging Rooms
785.615 Installation and Utensils - General Construction, Repair, and
Equipment
785.620 Continuous Churn
785.625 Conventional Churn
785.630 Bulk Butter Trucks, Boats, and Packers
785.635 Butter, Frozen or Plastic Cream Melting Machine
785.640 Printing Equipment
785.645 Brine Tanks
785.650 Starter Vats
785.655 Operations and Operating Procedures - Pasteurization
785.655 Composition and Wholesomeness
785.660 Containers
785.670 Printing and Packaging
785.675 General Identification
785.680 Storage of Finished Product in Coolers
785.685 Storage of Finished Product in Freezer

SUBPART G: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING
AND PACKAGING CHEESE

Section
785.700 Rooms and Compartments - Starter Room
785.705 Make Room
785.710 Drying Room
785.715 Paraffining Room
785.720 Rindless Block Wrapping Area
785.725 Coolers or Curing Rooms
785.730 Cutting and Packaging Rooms
785.735 Equipment and Utensils - General Construction, Repair, and
Installation
785.740 Starter Vats
785.745 Cheese Vats
785.750 Mechanical Agitators
785.755 Curd Mill and Miscellaneous Equipment
785.760 Hoops and Followers

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

785.765 Press
785.770 Rindless Cheese Press
785.775 Paraffin Tanks
785.780 Operations and Operating Procedures - Cheese from Pasteurized Milk
785.785 Cheese from Unpasteurized Milk
785.790 Whey Disposal
785.794 Packaging and Repackaging
785.797 General Identification

SUBPART H: SUPPLEMENTAL REQUIREMENTS FOR PLANTS
MANUFACTURING, PROCESSING, AND PACKAGING PASTEURIZED
PROCESS CHEESE AND RELATED PRODUCTS

Section
785.800 Equipment and Utensils - General Construction, Repair, and
Installation
785.810 Conveyors
785.820 Grinders or Shredders
785.830 Cookers
785.840 Fillers
785.850 Operations and Operating Procedures - Trimming and Cleaning
Cooking the Batch
785.860 Forming Containers
785.865 Filling Containers
785.880 Closing and Sealing Containers

SUBPART I: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING
AND PACKAGING FROZEN DESSERTS

Section
785.900 Pasteurization of Frozen Dessert Mix
785.910 Cooling
785.920 Storage
785.930 Laboratory Control Tests
785.940 Packaging and Labeling
785.950 Returns
785.955 Lubricants
785.960 Vehicles
785.965 Frozen Desserts Retail Establishments
785.970 Product Test Procedures and Quality Requirements
785.980 Quality Standards for Raw and Pasteurized Dairy Ingredients, Mix, or
Frozen Desserts

SUBPART J: SUPPLEMENTAL REQUIREMENTS FOR PLANTS MANUFACTURING,
PROCESSING, AND PACKAGING EVAPORATED, CONDENSED OR
STERILIZED MILK PRODUCTS

Section

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENT'S

7) Confirmatory testing will be done on milk when a herd milk sample exceeds any of the following screening test results:

- a) California Mastitis Test - Weak positive (CMT +_{1/2})
- b) Modified Whitehead Test - Weak positive
- c) Modified Whitehead Test - 400T value of 18 mm.

8) A confirmatory test for somatic cell count shall be made on that sample using any of the following methods:

7.1) Bacteriostatic Preservative Free Count (Stable Strip)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

785.1000	Equipment and Utensils Installation	General Construction, Repair and
785.1010	Evaporators and Vacuum Pans	
785.1020	Fillers	
785.1030	Batch or Continuous In-containers Sterilizers	
785.1040	Homogenizers	
785.1050	Mixing and Operating Procedures - Preheat and Pasteurization	
785.1060	Fillers and Containers	
785.1070	Storage	

SUBPART K: ADMINISTRATIVE PROCEEDINGS

Section	785.1100	Licenses
	785.1110	Inspection
	785.1120	Licensure
	785.1130	Expiration and Revocation of License
	785.1140	Reinstatement
	785.1150	Licensing Plants and Milk Hauler/Samplers
	785.1155	Application for License
	785.1160	Plant Inspection
	785.1170	Suspension of License
	785.1175	Expiration, Suspension and Revocation of License
	785.1180	Reinstatement
	785.1190	Supervision - Department
	785.1200	Administrative Hearings
	785.1210	Pesticide, Herbicide, and Mycotoxin Residue Control Program
	785.1220	Drug Residue Monitoring and Farm Surveillance

AUTHORITY: Authorized by and implementing the Illinois Food, Drug and Cosmetic Act (410 ILCS 620).

SOURCE: Filed as amended June 13, 1972, effective June 26, 1972 and August 14, 1972; codified at 8 U.S.C. Reg. 1494i; Part repealed, new Part adopted at 11 U.S.C. Reg. 2356, effective February 1, 1987; amended at 17 U.S.C. Reg. 14027, effective August 15, 1993; amended at 19 U.S.C. Reg. 12295, effective August 10, 1995; amended at 25 U.S.C. Reg. 12295, effective August 10, 1995.

SUBPART B: ILLINOIS QUALITY REQUIREMENTS FOR MILK FOR MANUFACTURING PURPOSES

Section 785.290 Abnormal Milk

a) **Mastitic Milk**

1) A laboratory examination for the presence of somatic cells shall be made on all producers' milk at least 4 times in each 6-month period at irregular intervals. Samples shall be analyzed at an official laboratory or at a laboratory approved by the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

recommended by the Food and Drug Administration at currently referenced levels shall be used for regulatory action for each drug of concern. FDA shall review the AOAC evaluations for the test kit and make a determination as to the acceptability of the use of the method. Regulatory action shall be taken on all violative results (see Section 785.1220). A result shall be considered violative if it has been obtained by using a method that which has been evaluated and deemed acceptable by FDA at levels established in memoranda transmitted periodically by FDA as required by Section 785.1220(c) and the test completed by a qualified individual as approved by the Department.

c) Radionuclides: When notified by Illinois Department of Nuclear Safety, composite milk samples shall be collected from selected areas and tested for biologically significant radionuclides.

d) Pesticides and Herbicides:

Composite milk samples shall be tested for pesticides and herbicides at a frequency of once every six months, which the Department determines to be adequate to protect the consumer. If a sample exceeds established Food and Drug Administration Administration's limits (21 CFR 193 and 40 CFR 180), procedures set forth in Section 785.1210 shall be followed.

e) Added Water:

The presence of added water in raw or pasteurized milk constitutes adulteration. The presence of added water is indicated by a milk cryoscope reading of -524 Horvet or -507 Centigrade or higher when tested. After two occurrences of adulterated milk within a six-month period, the plant or producer will be required to show cause and reason for the addition of water. After a third occurrence, the Department will institute administrative proceedings to revoke the plant or producer's permit.

f) Farm Milk Collection:

Milk from producers shall be collected at intervals not exceeding four calendar days except in emergency situations where roads are impassable, in which delivery time may be extended an additional day. Milk determined to contain over 200,000 bacteria per ml. shall be collected every two calendar days. It is the duty of the dairy plant to notify bulk milk haulers ~~hauler~~/samplers whenever a maximum two day pick-up and delivery is required.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

SUBPART K: ADMINISTRATIVE PROCEDURES

Section 785.1220 Drug Residue Monitoring and Farm Surveillance

This Section describes the Department's Drug Residue Monitoring

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

and Farm Surveillance Program. It is established to reference safe levels and/or tolerances and to assure milk supplies are in compliance with these safe levels or established tolerances for drug residues in milk.

a) Industry Responsibilities:

1) Monitoring and Surveillance

A) Industry shall screen all bulk milk pick-up tankers for beta lactam drug residues. Additionally, other drug residues shall be screened for by employing a random sampling program on bulk milk pick-up tankers. The random bulk milk pick-up tanker sampling program shall represent and include, during any six months, at least four (4) samples collected in at least four (4) separate months. Samples shall be analyzed as specified by the Department.

B) Bulk milk pick-up tanker testing shall be completed prior to processing the milk. Bulk milk pick-up tanker samples found to have a violative drug residue shall be retained as determined necessary by the Department. Industry shall also record a) sample results and retain ~~copy~~ ~~sample~~ ~~results~~ ~~for~~ ~~a~~ ~~period~~ ~~of~~ ~~six~~ ~~months~~.

2) Reporting and Farm Traceback

A) When a bulk milk pick-up tanker is found to have a violative drug residue, the Department shall be immediately notified of the results and the ultimate disposition of the raw milk.

B) The individual sample collected from each producer's milk that was in the bulk milk pick-up tanker that was found to have a violative drug residue shall be immediately tested to determine which producer or producers have created or contributed to the drug residue.

C) Further pickups of the violative individual producer or producers shall be immediately discontinued until such time that subsequent tests no longer indicate violative drug residues and enforcement requirements of subsection (b)(2) of this Section have been met.

b) Department Responsibilities:

1) Monitoring and Surveillance

A) The Department shall monitor industry surveillance activities by making unannounced on-site inspections to collect samples from bulk milk pick-up tankers and to review industry records of the random sampling program.

B) The Department shall also perform routine sampling and testing for drug residues determined to be necessary.

2) Enforcement

A) If testing reveals violative drug residues, the milk shall be disposed of in a manner that removes it from the human or animal food chain except where reconditioned under Department approval.

B) When the individual testing as required in subsection (a)(2)(B) of this Section is complete and the tests indicate

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

any drug residue at or above the tolerance and/or safe levels, the producer's permit will be summarily suspended. Another sample will be taken from milk produced after corrections have been made ~~a 48-hour-withholding-period~~ to determine whether this adulteration is continual. On the second and third occurrences of the violative drug residue in ~~a 12-month-period~~, the producer's manufactured raw milk permit will be summarily suspended. ~~Another sample will be taken from milk produced after a 96-hour-withholding-period to determine whether this adulteration is continued. For the third occurrence of a drug residue in any 12 month period, the Department shall initiate administrative procedures pursuant to revocation of the producer's permit.~~

C) If the resample shows no violative drug residue, the permit will then be conditionally reinstated until such time as the producer and a licensed veterinarian have completed a quality assurance program, but in no case for longer greater than 30 days.

D) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's manufactured raw milk permit shall be fully reinstated.

3) The following describes the alternative penalty procedures for the Department's drug residue control program for manufactured raw milk.

A) These procedures shall be followed when individual sample testing for drug residues has been completed, and test results indicate a violative drug residue, and the producer's or producers' manufactured raw milk permit is ~~will be~~ summarily suspended in accordance with subsection (b)(2)(B) of this Section. The producer or producers shall may submit to the Department ~~a written request for an equivalent penalty to the 48-hour-withholding-period for the first occurrence and 96 hour withholding period following the violative shipment for the second and third occurrences in any 12 month period. The equivalent penalty for the first occurrence shall be \$2,000 per hundred weight of the milk produced during the 48 hours following the violative shipment.~~ The equivalent penalty for the second and third occurrences shall be \$4.00 per hundred weight of the milk produced during 96 hours following the violative shipment. The penalty shall be paid to the Department by the first buyer of the milk by the last day of the month immediately following the violation. Following the third occurrence of drug residue violation in any ~~12~~ twelve month period, the Department shall initiate administrative procedures, pursuant to Section 785.1200, to permanently revoke the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

producer's permit.

B) The producer's manufactured raw milk permit will be conditionally reinstated for up to 30 days when a subsequent sample of the producer's milk does not contain a violative drug residue. The producer and a licensed veterinarian must complete a quality assurance (QA) program within the 30 day conditional reinstatement of the manufactured raw milk permit.

C) When the field representative has transmitted to the Department a copy of the quality assurance program completion certificate signed by the producer and a licensed veterinarian, the producer's manufactured raw milk permit shall be fully reinstated.

4) All monies collected through the drug residue control program shall be deposited in the Food and Drug Safety Fund and will be dedicated to drug residue prevention efforts, producer education and providing information for the prevention of drug residue.

c) Established Tolerances and/or Safe Levels of Drug Residues

1) Tolerances for drug residues drugs that which may result in milk are set forth in 21 CFR 556 (1991).

2) "Safe levels" are used by the Department for prosecutorial discretion. They do not legalize residues found in milk that are below the safe level. Safe levels as established by the Federal Food and Drug Administration will be transmitted by the Department via Technical Releases.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities
Code

2) Code Citation: 77 Ill. Adm. Code 300

3) Section Numbers: Proposed Action:

300.663 Amendment

300.695 New Section

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved: Part 300 establishes requirements for licensure of skilled nursing and intermediate care facilities. Section 300.663 (Registry of Certified Nurse Aides) is being amended to delete the requirement that persons seeking an equivalency based on completion of a nursing program in a foreign country provide proof of application to the Department of Professional Regulation for licensure in Illinois. A new Section 300.695 (Emergency Response System Notification) is being added. The new Section lists circumstances in which a facility will be required to call "911". The facility will also be required to comply with other reporting requirements in Part 300.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
300.3410	Repealer	25 Ill. Reg. 4480
300.3420	Repealer	25 Ill. Reg. 4480
300.3430	Repealer	25 Ill. Reg. 4480
300.3440	Repealer	25 Ill. Reg. 4480
300.3450	Repealer	25 Ill. Reg. 4480
300.3460	Repealer	25 Ill. Reg. 4480
300.3470	Repealer	25 Ill. Reg. 4480
300.3480	Repealer	25 Ill. Reg. 4480
300.3490	Repealer	25 Ill. Reg. 4480
300.3500	Repealer	25 Ill. Reg. 4480

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.3510	Repealer	25 Ill. Reg. 4480
300.3520	Repealer	25 Ill. Reg. 4480
300.3530	Repealer	25 Ill. Reg. 4480
300.3540	Repealer	25 Ill. Reg. 4480
300.3550	Repealer	25 Ill. Reg. 4480
300.3560	Repealer	25 Ill. Reg. 4480
300.3570	Repealer	25 Ill. Reg. 4480
300.3580	Repealer	25 Ill. Reg. 4480
300.3590	Repealer	25 Ill. Reg. 4480
300.3600	Repealer	25 Ill. Reg. 4480
300.3610	Repealer	25 Ill. Reg. 4480
300.3620	Repealer	25 Ill. Reg. 4480
300.3630	Repealer	25 Ill. Reg. 4480
300.4000	New Section	25 Ill. Reg. 4480
300.4010	New Section	25 Ill. Reg. 4480
300.4020	New Section	25 Ill. Reg. 4480
300.4030	New Section	25 Ill. Reg. 4480
300.4035	New Section	25 Ill. Reg. 4480
300.4040	New Section	25 Ill. Reg. 4480
300.4050	New Section	25 Ill. Reg. 4480
300.4060	New Section	25 Ill. Reg. 4480
300.4070	New Section	25 Ill. Reg. 4480
300.4080	New Section	25 Ill. Reg. 4480
300.4090	New Section	25 Ill. Reg. 4480
300.6000	New Section	25 Ill. Reg. 4480
300.6005	New Section	25 Ill. Reg. 4480
300.6010	New Section	25 Ill. Reg. 4480
300.6020	New Section	25 Ill. Reg. 4480
300.6030	New Section	25 Ill. Reg. 4480
300.6035	New Section	25 Ill. Reg. 4480
300.6040	New Section	25 Ill. Reg. 4480
300.6045	New Section	25 Ill. Reg. 4480
300.6047	New Section	25 Ill. Reg. 4480
300.6050	New Section	25 Ill. Reg. 4480
300.6060	New Section	25 Ill. Reg. 4480
300.6070	New Section	25 Ill. Reg. 4480
300.6080	New Section	25 Ill. Reg. 4480
300.6090	New Section	25 Ill. Reg. 4480
300.6095	New Section	25 Ill. Reg. 4480
APPENDIX G	New Section	25 Ill. Reg. 4480

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in Which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Paul Thompson
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Paul Thompson at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Skilled nursing and intermediate care facilities

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

300.110	General Requirements	300.175	Denial of Initial License
300.120	Application for License	300.180	Revocation of License
300.130	Licensee	300.190	Experimental Program Conflicting With Requirements
300.140	Issuance of an Initial License for a New Facility	300.200	Inspections, Surveys, Evaluations and Consultation
300.150	Issuance of an Initial License Due to a Change of Ownership	300.210	Filing an Annual Attested Financial Statement
300.160	Issuance of a Renewal License	300.220	Information to Be Made Available to the Public By the Department
300.163	Alzheimer's Special Care Disclosure	300.230	Information to Be Made Available to the Public By the Licensee
300.165	Criteria for Adverse Licensure Actions	300.240	Municipal Licensing
300.170	Denial of Initial License	300.250	Ownership Disclosure
300.175	Denial of Renewal of License	300.260	Issuance of Conditional Licenses
300.180	Revocation of License	300.270	Monitor and Receivership
300.190	Experimental Program Conflicting With Requirements	300.271	Presentation of Findings
300.200	Inspections, Surveys, Evaluations and Consultation	300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.210	Filing an Annual Attested Financial Statement	300.274	Determination of the Level of a Violation
300.220	Information to Be Made Available to the Public By the Department	300.276	Notice of Violation
300.230	Information to Be Made Available to the Public By the Licensee	300.277	Administrative Warning
300.240	Municipal Licensing	300.278	Plans of Correction
300.250	Ownership Disclosure	300.280	Reports of Correction
300.260	Issuance of Conditional Licenses	300.282	Conditions for Assessment of Penalties
300.270	Monitor and Receivership	300.284	Calculation of Penalties
300.271	Presentation of Findings	300.286	Determination to Assess Penalties
300.272	Determination to Issue a Notice of Violation or Administrative Warning	300.288	Reduction or Waiver of Penalties
300.274	Determination of the Level of a Violation	300.290	Quarterly List of Violators (Repealed)
300.276	Notice of Violation	300.293	Alcoholism Treatment Programs In Long-Term Care Facilities
300.277	Administrative Warning	300.300	Department May Survey Facilities Formerly Licensed
300.278	Plans of Correction	300.315	Supported Congregate Living Arrangement Demonstration
300.280	Reports of Correction	300.320	Waivers
300.282	Conditions for Assessment of Penalties	300.330	Definitions
300.284	Calculation of Penalties		
300.286	Determination to Assess Penalties		
300.288	Reduction or Waiver of Penalties		
300.290	Quarterly List of Violators (Repealed)		
300.293	Alcoholism Treatment Programs In Long-Term Care Facilities		
300.300	Department May Survey Facilities Formerly Licensed		
300.315	Supported Congregate Living Arrangement Demonstration		
300.320	Waivers		
300.330	Definitions		

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.340 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section

300.510 Administrator

SUBPART C: POLICIES

Section

300.610 Resident Care Policies

300.615 Determination of Need Screening

300.620 Admission and Discharge Policies

300.630 Contract Between Resident and Facility

300.640 Residents' Advisory Council

300.650 Personnel Policies

300.655 Initial Health Evaluation for Employees

300.660 Nursing Assistants

300.661 Health Care Worker Background Check

300.662 Resident Attendants

300.663 Registry of Certified Nursing Assistants

300.665 Student Interns

300.670 Disaster Preparedness

300.680 Restraints

300.682 Nonemergency Use of Physical Restraints

300.684 Emergency Use of Physical Restraints

300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs

300.690 Serious Incidents and Accidents

300.695 Emergency Response System Notification

SUBPART D: PERSONNEL

Section

300.810 General

300.820 Categories of Personnel

300.830 Consultation Services

300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section

300.1010 Medical Care Policies

300.1020 Communicable Disease Policies

300.1025 Tuberculin Skin Test Procedures

300.1030 Medical Emergencies

300.1035 Life-Sustaining Treatments

300.1040 Behavior Emergencies (Repealed)

300.1040 Dental Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: NURSING AND PERSONAL CARE

Section

300.1210 General Requirements for Nursing and Personal Care

300.1220 Supervision of Nursing Services

300.1230 Staffing

300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

300.1410 Activity Program

300.1420 Specialized Rehabilitation Services

300.1430 Work Programs

300.1440 Volunteer Program

SUBPART H: MEDICATIONS

Section

300.1610 Medication Policies and Procedures

300.1620 Conformance With Physician's Orders

300.1630 Administration of Medication

300.1640 Labeling and Storage of Medications

300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

300.1810 Resident Record Requirements

300.1820 Content of Medical Records

300.1830 Records Pertaining to Residents' Property

300.1840 Retention and Transfer of Resident Records

300.1850 Other Resident Record Requirements

300.1860 Staff Responsibility for Medical Records

300.1870 Retention of Facility Records

300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

300.2010 Director of Food Services

300.2020 Dietary Staff in Addition to Director of Food Services

300.2030 Hygiene of Dietary Staff

300.2040 Diet Orders

300.2050 Meal Planning

300.2060 Therapeutic Diets (Repealed)

300.2070 Scheduling Meals

300.2080 Menus and Food Records

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 300.2090 Food Preparation and Service
 300.2100 Food Handling Sanitation
 300.2110 Kitchen Equipment, Utensils, and Supplies
- SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- Section
 300.2210 Maintenance
 300.2220 Housekeeping
 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- Section
 300.2410 Furnishings
 300.2420 Equipment and Supplies
 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

- Section
 300.2610 Codes
 300.2620 Water Supply
 300.2630 Sewage Disposal
 300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

- Section
 300.2810 Applicability of These Standards
 300.2820 Codes and Standards
 300.2830 Preparation of Drawings and Specifications
 300.2840 Site
 300.2850 Administration and Public Areas
 300.2860 Nursing Unit
 300.2870 Dining, Living, Activities Rooms
 300.2880 Therapy and Personal Care
 300.2890 Service Departments
 300.2900 General Building Requirements
 300.2910 Structural
 300.2920 Mechanical Systems
 300.2930 Plumbing Systems
 300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Section
 300.3010 Applicability
 300.3020 Codes and Standards
 300.3030 Preparation of Drawings and Specifications
 300.3040 Site
 300.3050 Administration and Public Areas
 300.3060 Nursing Unit
 300.3070 Living, Dining, Activities Rooms
 300.3080 Treatment and Personal Care
 300.3090 Service Departments
 300.3100 General Building Requirements
 300.3110 Structural
 300.3120 Mechanical Systems
 300.3130 Plumbing Systems
 300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

- Section
 300.3210 General
 300.3220 Medical and Personal Care Program
 300.3230 Restraints
 300.3240 Abuse and Neglect
 300.3250 Communication and Visitation
 300.3260 Resident's Funds
 300.3270 Residents' Advisory Council
 300.3280 Contract With Facility
 300.3290 Private Right of Action
 300.3300 Transfer or Discharge
 300.3310 Complaint Procedures
 300.3320 Confidentiality
 300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

- Section
 300.3410 Application of Other Divisions of These Minimum Standards
 300.3420 Administrator
 300.3430 Policies
 300.3440 Personnel
 300.3450 Resident Living Services Medical and Dental Care
 300.3460 Resident Services Program
 300.3470 Psychological Services
 300.3480 Social Services
 300.3490 Recreational and Activities Services
 300.3500 Individual Treatment Plan
 300.3510 Health Services
 300.3520 Medical Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

300.3530 Dental Services
 300.3540 Optometric Services
 300.3550 Audiometric Services
 300.3560 Podiatric Services
 300.3570 Occupational Therapy Services
 300.3580 Nursing and Personal Care
 300.3590 Resident Care Services
 300.3600 Record Keeping
 300.3610 Food Service
 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
 300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

Day Care in Long-Term Care Facilities

Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
 Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
 Federal Requirements Regarding Patients'/Residents' Rights (Repealed)

Forms for Day Care in Long-Term Care Facilities
 Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)

Guidelines for the Use of Various Drugs
 Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities

Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities

Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (210 ILCS 45).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766, amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 16811, effective October 24, 1988; amended at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21056, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 8, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 300.663 Registry of Certified Nursing Assistants

a) An individual will be placed on the Nurse Aide Registry when he/she has successfully completed a training program approved in accordance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

with the Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395) and has met background check information required in Section 300.661 of this Part, and when there are no findings of abuse, neglect, or misappropriation of property in accordance with Sections 3-206.01 and 3-206.02 of the Act.

- b) An individual will be placed on the Nurse Aide Registry if he/she has met background check information required in Section 300.661 of this Part and submits documentation supporting one of the following equivalencies:

- 1) Documentation of current registration from another state indicating that the requirements of 42 CFR 483.151 - 483.156 (October 1, 1997, no further amendments or editions included) have been met and that there are no documented findings of abuse, neglect, or misappropriation of property.

- 2) Documentation of successful completion of a nursing arts course (e.g., Basics in Nursing, Fundamentals of Nursing, Nursing 101) with at least 40 hours of supervised clinical experience in an accredited nurse training program as evidenced by a diploma, certificate or other written verification from the school and, within 120 days after employment, successful completion of the written portion of the Department-established nursing assistant competency test.

- 3) Documentation of successful completion of a United States military training program that includes the content of the Basic Nursing Assistant Training Program (see 77 Ill. Adm. Code 395) and at least 40 hours of supervised clinical experience, as evidenced by a diploma, certification, DD-214, or other written verification, and, within 120 days after employment, successful completion of the written portion of the Department established nursing assistant competency test.

- 4) Documentation of completion of a nursing program in a foreign country, including the following, and, within 120 days after employment, successful completion of the written portion of the Department-established nursing assistant competency test:

- A) A copy of the license, diploma, registration or other proof of completion of the program;

- B) Proof of application to--the--Department--of--Professional Regulation--for--licensure--in--Illinois;

- Be) A copy of the Social Security card; and

- C) Visa or proof of citizenship

- c) An individual shall notify the Nurse Aide Registry of any change of address within 30 days and of any name change within 30 days and shall submit proof of any name change to the Department. (Section 3-206.01 of the Act)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 300.695 Emergency Response System Notification

- a) For the purpose of this Section, "911" shall mean an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services, including police, fire, medical ambulance and rescue.

- b) The facility shall call 911 in the following situations:

- 1) Emergencies;
- 2) Physical abuse that cannot be alleviated by staff intervention;
- 3) Sexual abuse (for the purpose of this Section, sexual abuse means sexual penetration, intentional sexual touching or fondling, or sexual exploitation (i.e., use of an individual for another person's sexual gratification, arousal, advantage, or profit));
- 4) When a crime has been committed in a facility by a person other than a resident; or
- 5) When a resident death has occurred other than by disease processes.

- c) The facility shall also comply with other reporting requirements of this Part.

(Source: Added at 25 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Definitions and General Provisions

- 2) Code Citation: 35 Ill. Adm. Code 211

- 3) Section Numbers: Adopted Action:
211.4967 New
211.6130 Amend

- 4) Statutory Authority: 415 ILCS 5/9.9, 10, 27, and 28.5

- 5) Effective Date of Amendments: April 17, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notices of Proposal Published in Illinois Register: 24 Ill. Reg. 16452, November 13, 2000.

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: Changed Section 211.4067 so it read as a definition.

Changed Section 211.6130 to match the text of Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This rulemaking is explained in more detail in the Board's opinion and order of April 5, 2001, R01-17, available from the address in item 16 below. The rulemaking was initiated by a proposal filed by the Illinois Environmental Protection Agency under the fast-track rulemaking provision of Section 28.5 of the Environmental Protection Act. These proposed additions to 35 Ill. Adm. Code 211 are new definitions that will be used in the proposed amendments to regulate emissions of nitrogen oxides from large electrical generating units and non-electrical generating units at 35 Ill. Adm. Code 217. Subparts U and W.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Bobb Beauchamp
100 W. Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601
(312) 814-6926

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R01-17. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section

211.101 Incorporations by Reference
211.102 Abbreviations and Conversion Factors

SUBPART B: DEFINITIONS

Section

211.121 Other Definitions
211.122 Definitions (Repealed)
211.130 Accelacota
211.150 Accumulator
211.170 Acid Gases
211.210 Actual Heat Input
211.230 Adhesive
211.240 Adhesion Promoter
211.250 Aeration
211.270 Aerosol Can Filling Line
211.290 Afterburner
211.310 Air Contaminant
211.330 Air Dried Coatings
211.350 Air Oxidation Process
211.370 Air Pollutant
211.390 Air Pollution
211.410 Air Pollution Control Equipment
211.430 Air Suspension Coater/Dryer
211.450 Airless Spray
211.470 Air Assisted Airless Spray
211.474 Alcohol
211.479 Allowance
211.484 Animal
211.485 Animal Pathological Waste
211.490 Annual Grain Through-Put
211.495 Anti-Glare/Safety Coating
211.510 Application Area
211.530 Architectural Coating
211.550 As Applied
211.560 As-Applied Fountain Solution

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.570 Asphalt
211.590 Asphalt Prime Coat
211.610 Automobile
211.630 Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant
211.650 Automobile or Light-Duty Truck Refinishing
211.660 Automotive/Transportation Plastic Parts
211.670 Baked Coatings
211.680 Baked Oven
211.685 Basecoat/Clearcoat System
211.690 Batch Loading
211.695 Batch Operation
211.696 Batch Process Train
211.710 Bead-Dipping
211.730 Binders
211.750 British Thermal Unit
211.770 Brush or Wipe Coating
211.790 Bulk Gasoline Plant
211.810 Bulk Gasoline Terminal
211.820 Business Machine Plastic Parts
211.830 Can
211.850 Can Coating
211.870 Can Coating Line
211.890 Capture
211.910 Capture Device
211.930 Capture Efficiency
211.950 Capture System
211.955 Cement
211.960 Cement Kiln
211.970 Certified Investigation
211.980 Chemical Manufacturing Process Unit
211.990 Choke Loading
211.1010 Clean Air Act
211.1050 Cleaning and Separating Operation
211.1070 Cleaning Materials
211.1090 Clear Coating
211.1110 Clear Topcoat
211.1120 Clinker
211.1130 Closed Purge System
211.1150 Closed Vent System
211.1170 Coal Refuse
211.1190 Coating
211.1210 Coating Applicator
211.1230 Coating Line
211.1250 Coating Plant
211.1270 Coil Coating
211.1290 Coil Coating Line
211.1310 Cold Cleaning

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1312	Combined Cycle System
211.1316	Combustion Turbine
211.1320	Commence Commercial Operation
211.1324	Commence Operation
211.1328	Common Stack
211.1330	Complete Combustion
211.1350	Component
211.1370	Concrete Curing Compounds
211.1390	Concentrated Nitric Acid Manufacturing Process
211.1410	Condensate
211.1430	Condensible PW-10
211.1465	Continuous Automatic Stoking
211.1467	Continuous Coater
211.1470	Continuous Process
211.1490	Control Device
211.1510	Control Device Efficiency
211.1515	Control Period
211.1520	Conventional Air Spray
211.1550	Conventional Soybean Crushing Source
211.1570	Conveyorized Degreasing
211.1570	Crude Oil
211.1590	Crude Oil Gathering
211.1610	Crushing
211.1630	Custody Transfer
211.1650	Cutback Asphalt
211.1670	Daily-Weighted Average VOM Content
211.1690	Day
211.1710	Degreaser
211.1730	Delivery Vessel
211.1750	Dip Coating
211.1770	Distillate Fuel Oil
211.1780	Distillation Unit
211.1790	Drum
211.1810	Dry Cleaning Operation or Dry Cleaning Facility
211.1820	Dump-Pit Area
211.1850	Effective Grate Area
211.1870	Effluent Water Separator
211.1870	Elastomeric Materials
211.1880	Electromagnetic Interference/Radio Frequency Interference (EMI/RFI)
	Shielding Coatings
211.1885	Electronic Component
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Electrostatic Spray
211.1920	Emergency or Standby Unit
211.1930	Emission Rate
211.1950	Emission Unit
211.1970	Enamel

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1990	Enclose
211.2010	End Sealing Compound Coat
211.2030	Enhanced Under-the-Cup Fill
211.2050	Ethanol Blend Gasoline
211.2070	Excess Air
211.2080	Excess Emissions
211.2090	Excessive Release
211.2110	Existing Grain-Drying Operation (Repealed)
211.2130	Existing Grain-Handling Operation (Repealed)
211.2150	Exterior Base Coat
211.2170	Exterior End Coat
211.2190	External Floating Roof
211.2210	Extreme Performance Coating
211.2230	Fabric Coating
211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2285	Feed Mill
211.2290	Fermentation Time
211.2300	Fill
211.2310	Final Repair Coat
211.2330	Firebox
211.2350	Fixed-Roof Tank
211.2360	Flexible Coating
211.2365	Flexible Operation Unit
211.2370	Flexographic Printing
211.2390	Flexographic Printing Line
211.2410	Floating Roof
211.2420	Fossil Fuel
211.2425	Fossil Fuel-Fired
211.2430	Fountain Solution
211.2450	Freeboard Height
211.2470	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2490	Fugitive Particulate Matter
211.2510	Full Operating Flowrate
211.2530	Gas Service
211.2550	Gas/Gas Method
211.2570	Gasoline
211.2590	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2610	Gel Coat
211.2620	Generator
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2815	Heat Input
211.2820	Heat Input Rate
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Metals
211.2910	Heavy Off-Highway Vehicle Products
211.2930	Heavy Off-Highway Vehicle Products Coating
211.2950	Heavy Off-Highway Vehicle Products Coating Line
211.2970	High Temperature Aluminum Coating
211.2990	High Volume Low Pressure (HVLP) Spray
211.3010	Hood
211.3030	Hot Well
211.3050	Housekeeping Practices
211.3070	Incinerator
211.3090	Indirect Heat Transfer
211.3110	Ink
211.3130	In-Process Tank
211.3150	In-Situ Sampling Systems
211.3170	Interior Body Spray Coat
211.3190	Internal-Floating Roof
211.3210	Internal Transferring Area
211.3230	Lacquers
211.3250	Large Appliance
211.3270	Large Appliance Coating
211.3290	Large Appliance Coating Line
211.3310	Light Liquid
211.3330	Light-Duty Truck
211.3350	Light Oil
211.3370	Liquid/Gas Method
211.3390	Liquid-Mounted Seal
211.3410	Liquid Service
211.3430	Liquids Dripping
211.3450	Lithographic Printing Line
211.3470	Load-Out Area
211.3480	Loading Event
211.3485	Long Dry Kiln
211.3485	Long Wet Kiln
211.3487	Low-NOx] Burner
211.3490	Low Solvent Coating
211.3500	Lubricating Oil
211.3510	Magnet Wire
211.3530	Magnet Wire Coating
211.3530	Magnet Wire Coating Line
211.3570	Major Dump Pit
211.3590	Major Metropolitan Area (MMA)

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

211.3610	Major Population Area (MPA)
211.3620	Manually Operated Equipment
211.3630	Manufacturing Process
211.3650	Marine Terminal
211.3660	Marine Vessel
211.3670	Material Recovery Section
211.3690	Maximum Theoretical Emissions
211.3700	Maximum True Vapor Pressure
211.3710	Metal Furniture
211.3730	Metal Furniture Coating
211.3750	Metal Furniture Coating Line
211.3770	Metallic Shoe-Type Seal
211.3780	Mid-Kiln Firing
211.3790	Miscellaneous Fabricated Product Manufacturing Process
211.3810	Miscellaneous Formulation Manufacturing Process
211.3830	Miscellaneous Metal Parts and Products
211.3850	Miscellaneous Metal Parts and Products Coating
211.3870	Miscellaneous Metal Parts or Products Coating Line
211.3890	Miscellaneous Organic Chemical Manufacturing Process
211.3910	Mixing Operation
211.3915	Mobile Equipment
211.3930	Monitor
211.3950	Monomer
211.3960	Motor Vehicles
211.3965	Motor Vehicle Refinishing
211.3970	Multiple Package Coating
211.3980	Nameplate Capacity
211.3990	New Grain-Drying Operation (Repealed)
211.4010	New Grain-Handling Operation (Repealed)
211.4030	No Detectable Volatile Organic Material Emissions
211.4050	Non-Contact Process Water Cooling Tower
211.4055	Non-Flexible Coating
211.4065	Non-Heatset
211.4067	NOx] Trading Program
211.4070	Offset
211.4090	One Hundred Percent Acid
211.4110	One-Turn Storage Space
211.4130	Opacity
211.4150	Opaque Stains
211.4170	Open Top Vapor Degreasing
211.4170	Open-Ended Valve
211.4210	Operator of a Gasoline Dispensing Facility
211.4230	Organic Compound
211.4250	Organic Material and Organic Materials
211.4260	Organic Solvent
211.4270	Organic Vapor
211.4290	Oven

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.4310	Overall Control
211.4330	Overvarnish
211.4330	Owner of a Gasoline Dispensing Operation or Owner of a Gasoline Dispensing Facility
211.4350	Owner or Operator
211.4370	Packaging Rotogravure Printing
211.4390	Packaging Rotogravure Printing Line
211.4410	Pail
211.4430	Paint Manufacturing Source or Paint Manufacturing Plant
211.4450	Paper Coating
211.4470	Paper Coating Line
211.4490	Particulate Matter
211.4510	Parts Per Million (Volume) or PPM (Vol)
211.4530	Peterson
211.4550	Petroleum
211.4590	Petroleum Liquid
211.4610	Petroleum Refinery
211.4630	Pharmaceutical
211.4650	Pharmaceutical Coating Operation
211.4670	Photochemically Reactive Material
211.4690	Pigmented Coatings
211.4710	Plant
211.4730	Plastic Part
211.4740	Plasticizers
211.4750	Plasticizers
211.4770	PM-10
211.4790	Pneumatic Rubber Tire Manufacture
211.4810	Polybasic Organic Acid Partial Oxidation Manufacturing Process
211.4830	Polyester Resin Material(s)
211.4850	Polyester Resin Products Manufacturing Process
211.4870	Polyester Resin
211.4890	Polyethylene Plant
211.4910	Polyethylene Resin
211.4930	Portable Grain-Handling Equipment
211.4950	Portland Cement Manufacturing Process Emission Source
211.4970	Portland Cement Process or Portland Cement Manufacturing Plant
211.4990	Potential Electrical Output Capacity
211.4990	Potential to Emit
211.4990	Power Driven Fastener Coating
211.5010	Precoat
211.5015	Preheater Kiln
211.5020	Preheater/Precalciner Kiln
211.5030	Pressure Release
211.5050	Pressure Tank
211.5060	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Prime Coat
211.5080	Primer Sealer
211.5090	Primer Surfactant Coating

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5110	Primer Surfactant Operation
211.5130	Primers
211.5150	Printing Line
211.5170	Process Emission Source
211.5185	Process Emission Unit
211.5190	Process Unit
211.5210	Process Unit Shutdown
211.5230	Process Vent
211.5245	Process Weight Rate
211.5250	Production Equipment Exhaust System
211.5270	Purged Process Fluid
211.5310	Purged Process Fluid
211.5330	Rated Heat Input Capacity
211.5340	Reactor
211.5350	Reasonably Available Control Technology (RACT)
211.5390	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Unit or Refinery Process Unit
211.5470	Reflective Argon Coating
211.5480	Refrigerated Condenser
211.5490	Regulated Air Pollutant
211.5500	Reid Vapor Pressure
211.5510	Repair
211.5530	Repair Coat
211.5550	Repaired
211.5570	Residual Fuel Oil
211.5590	Resist Coat
211.5600	Restricted Area
211.5610	Retail Outlet
211.5620	Ringmann Chart
211.5650	Roadway
211.5670	Roll Coater
211.5690	Roll Coating
211.5710	Roll Printer
211.5730	Roll Printing
211.5770	Rotogravure Printing Line
211.5790	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sandblasting
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Red
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6355	Stationary Gas Turbine
211.6360	Stationary Reciprocating Internal Combustion Engine
211.6370	Stationary Source
211.6390	Stationary Storage Tank
211.6400	Stencil Coat
211.6410	Storage Tank or Storage Vessel
211.6420	Stripplable Spray Booth Coating
211.6430	Styrene Devolatilizer Unit
211.6450	Styrene Recovery Unit
211.6470	Submerged Loading Pipe
211.6490	Substrate
211.6510	Sulfuric Acid Mist
211.6530	Surface Condenser
211.6540	Surface Preparation Materials
211.6550	Synthetic Organic Chemical or Polymer Manufacturing Plant
211.6570	Tablet Coating Operation
211.6580	Texture Coat
211.6590	Thirty-Day Rolling Average
211.6610	Three-Piece Can
211.6620	Three or Four Stage Coating System
211.6630	Through-the-Valve Fill
211.6650	Tooling Resin

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.6670	Topcoat
211.6690	Topcoat Operation
211.6695	Topcoat System
211.6710	Touch-Up
211.6720	Touch-Up Coating
211.6730	Transfer Efficiency
211.6750	Tread End Cementing
211.6770	True Vapor Pressure
211.6790	Turnaround
211.6810	Two-Piece Can
211.6830	Under-the-Cup Fill
211.6850	Undertread Cementing
211.6860	Uniform Finish Blender
211.6870	Unregulated Safety Relief Valve
211.6880	Vacuum Metallizing
211.6890	Vacuum Producing System
211.6910	Vacuum Service
211.6930	Valves Not Externally Regulated
211.6950	Vapor Balance System
211.6970	Vapor Collection System
211.6990	Vapor Control System
211.7010	Vapor-Mounted Primary Seal
211.7030	Vapor Recovery System
211.7050	Vapor-Suppressed Polyester Resin
211.7070	Vinyl Coating
211.7090	Vinyl Coating Line
211.7110	Volatile Organic Liquid (VOL)
211.7130	Volatile Organic Material Content (VOMC)
211.7150	Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)
211.7170	Volatile Petroleum Liquid
211.7190	Wash Coat
211.7200	Washoff Operations
211.7210	Wastewater (Oil/Water) Separator
211.7230	Weak Nitric Acid Manufacturing Process
211.7250	Web
211.7270	Wholesale Purchase - Consumer
211.7290	Wood Furniture
211.7310	Wood Furniture Coating
211.7330	Wood Furniture Coating Line
211.7350	Woodworking
211.7400	Yeast Percentage

APPENDIX A Rule into Section Table

APPENDIX B Section into Rule Table

AUTHORITY: Implementing Sections 9, 9.1, 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 9.9, 10, 27 and 28.5].

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R86-18 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-14 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg. 17457, effective January 1, 1990; amended in R88-30(B) at 15 Ill. Reg. 9141, effective May 23, 1990; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7636, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 1326, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16504, effective September 27, 1993; amended in R93-11 at 17 Ill. Reg. 21471, effective December 7, 1993; amended in R93-14 at 18 Ill. Reg. 1253, effective January 18, 1994; amended in R94-12 at 18 Ill. Reg. 14962, effective September 21, 1994; amended in R94-14 at 18 Ill. Reg. 15744, effective October 17, 1994; amended in R94-15 at 18 Ill. Reg. 16379, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16929, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6823, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7344, effective May 22, 1995; amended in R95-2 at 19 Ill. Reg. 11066, effective July 12, 1995; amended in R95-16 at 19 Ill. Reg. 15176, effective October 19, 1995; amended in R96-5 at 20 Ill. Reg. 7590, effective May 22, 1996; amended in R96-16 at 21 Ill. Reg. 2641, effective February 7, 1997; amended in R97-17 at 21 Ill. Reg. 6489, effective May 16, 1997; amended in R97-24 at 21 Ill. Reg. 7695, effective June 9, 1997; amended in R96-17 at 21 Ill. Reg. 7856, effective June 17, 1997; amended in R97-31 at 22 Ill. Reg. 3497, effective February 2, 1998; amended in R98-17 at 22 Ill. Reg. 11405, effective June 22, 1998; amended in R01-9 at 24 Ill. Reg. 108, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4582, effective March 15, 2001; amended in R01-17 at 25 Ill. Reg. 5900 - 7.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: DEFINITIONS

Section 211.4067 NO(x) Trading Program

For the purposes of 35 Ill. Adm. Code 217, Subparts U and W, the NO(x) Trading Program shall mean the requirements of 35 Ill. Adm. Code 217, Subparts U and W, and those provisions of the federal NO(x) Trading Program, 40 CFR 96, incorporated by reference therein.

(Source: Added at 25 Ill. Reg. 5900 - 7 effective 10/17/95)

Section 211.6130 Source

"Source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties that ~~r~~ and are under common control of the same person (or persons under common control) and that belongs ~~belonging~~ to a single major industrial grouping. For the purposes of defining "source," a stationary source or group of stationary sources shall be considered part of a single major industrial grouping if all of the pollutant emitting activities at such source or group of sources located on contiguous or adjacent properties and under common control ~~property~~ belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987 (incorporated by reference in 35 Ill. Adm. Code 218.112 and 219.112), or such pollutant emitting activities at a stationary source (or group of stationary sources) located on contiguous or adjacent properties and under common control constitute a support facility as defined in Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5]. The determination as to whether any group of stationary sources are located on contiguous or adjacent properties, and/or are under common control, and/or whether the pollutant emitting activities at such group of stationary sources constitute a support facility shall be made on a case by case basis. [415 ILCS 5/39.5]

(Source: Amended at 25 Ill. Reg. 5900 - 7 effective 10/17/95)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Nitrogen Oxides Emissions2) Code Citation: 35 Ill. Adm. Code 2173) Section Numbers: Adopted Action:

New

217.450

New

217.452

New

217.454

New

217.456

New

217.458

New

217.460

New

217.462

New

217.464

New

217.466

New

217.468

New

217.470

New

217.472

New

217.474

New

217.476

New

217.478

New

217.480

New

217.482

New

217.700

New

217.702

New

217.704

New

217.706

New

217.708

New

217.710

New

217.712

New

217.800

New

217.805

New

217.810

New

217.815

New

217.820

New

217.825

New

217.830

New

217.835

New

217.840

New

217.845

New

217.850

New

217.855

New

217.860

New

217.865

New

217.865

New

APPENDIX E

4) Statutory Authority: 415 ILCS 5/9.9, 10, 27 and 28.55) Effective Date of Amendments: April 17, 2001

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

6) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? Yes. See Section 217.104. All incorporations are pursuant to Section 5-75 of the Illinois Administrative Procedure Act.8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notices of Proposal Published in Illinois Register: 24 Ill. Reg. 16200, November 3, 2000; 24 Ill. Reg. 16467, November 13, 200010) Has JCAR issued a Statement of Objection to these amendments? No11) Differences between proposal and final version: Final version combines two Board dockets for publication: R01-16 (Sections 217.700 - 217.712) and R01-17 (Sections 217.450 - 217.482 and Sections 217.800 - 217.865).

The section numbers for Subpart U were changed to allow for a sequential progression. The rules as proposed listed Subpart U as 217.6xx. Final rules list Subpart U as 217.4xx.

Section 217.454 in the proposal contained a subsection regulating low-emitter requirements. These requirements have been moved to Section 217.472.

In Sections 217.710 and 217.712, added subsections allowing low capacity factor units to use alternative monitoring techniques.

In Section 217.805, removed the requirement that only units permitted to operate prior to 1995 are eligible to participate in Subpart X. Also made changes in Sections 217.820 and 217.825 to allow these additional units to calculate baseline emissions, and determine creditable reductions.

Made several non-substantive clarifying/correction changes.

JCAR suggested several nonsubstantive typographical and grammatical changes which the Board included in the final version.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter? Yes13) Will these amendments replace emergency amendments currently in effect? No14) Are there any amendments pending on this Part? No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: A complete description of this Section 28.5 fast-track rulemaking is included in the Board's March 1, 2001 opinion and order in docket R01-11, which is available from the address below. These rules are adopted to control the emissions of nitrogen oxides (NOx) from large electrical generating units (EGUs) and large non-EGUs, during the ozone control season (May 1 through September 30). For Subpart U only, the ozone control period will be May 31 through September 30, 2004, and then from May 1 to September 30 of subsequent years). The amendments are intended to meet the State of Illinois' obligation under the Clean Air Act, 42 USC 7401 et seq. (CAA) to submit a State Implementation Plan (SIP) that addresses the requirements of the NOx SIP Call, 63 Fed. Reg. 57,356 (Oct. 27, 1998). The amendments are also intended to meet the requirements of Section 9.9 of the Environmental Protection Act, 415 ILCS 5/9.9. Included in this rulemaking are new 35 Ill. Adm. Code 217 Subparts U, V, and X, and other general provisions in Part 211 (which also appear in today's *Illinois Register*).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Bobb Beauchamp
100 W. Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601
(312) 814-6926

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to docket numbers R01-16 and R01-17 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 217

NITROGEN OXIDES EMISSIONS

SUBPART A: GENERAL PROVISIONS

Section	217.100
Scope and Organization	217.100
Measurement Methods	217.101
Abbreviations and Units	217.102
Definitions	217.103
Incorporations by Reference	217.104

SUBPART B: NEW FUEL COMBUSTION EMISSION SOURCES

Section	217.121
New Emission Sources	

SUBPART C: EXISTING FUEL COMBUSTION EMISSION SOURCES

Section	217.141
Existing Emission Sources in Major Metropolitan Areas	

SUBPART K: PROCESS EMISSION SOURCES

Section	217.301
Industrial Processes	

SUBPART O: CHEMICAL MANUFACTURE

Section	217.381
Nitric Acid Manufacturing Processes	

SUBPART T: CEMENT KILNS

Section	217.400
Applicability	217.400
Control Requirements	217.402
Testing	217.404
Monitoring	217.406
Reporting	217.408
Recordkeeping	217.410

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART U: NO[x] CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO[x] GENERATING UNITS

Section	Purpose
217.450	Severability
217.452	Applicability
217.454	Compliance Requirements
217.456	Permitting Requirements
217.458	Subpart U NO[x] Trading Budget
217.462	Methodology for Obtaining NO[x] Allowances
217.462	Methodology for Determining NO[x] Allowances from the New Source Set-Aside
217.466	NO[x] Allowances Procedure for Subpart U Budget Units
217.468	New Source Set-Asides for "New" Budget Units
217.470	Early Reduction Credits (ERCs) for Budget Units
217.472	Low-Emitter Requirements
217.474	Opt-In Units
217.476	Opt-In Process
217.478	Opt-In Budget Units: Withdrawal from the NO[x] Trading Program
217.480	Opt-In Budget Units: Change in Regulatory Status
217.482	Allowance Allocations to Opt-In Budget Units

SUBPART V: ELECTRIC POWER GENERATION

Section	Purpose
217.521	Lake of Egypt Power Plant
217.521	Severability
217.702	Applicability
217.704	Emission Limitations
217.706	NO[x] Averaging
217.710	Monitoring
217.712	Reporting and Recordkeeping

SUBPART W: NO(x) TRADING PROGRAM FOR ELECTRICAL
GENERATING UNITS

Section	Purpose
217.750	Severability
217.752	Applicability
217.754	Compliance Requirements
217.756	Permitting Requirements
217.758	NO[x] Trading Budget
217.760	Methodology for Calculating NO[x] Allowances for Budget Electrical Generating Units (*EGUs*)
217.762	NO[x] Allowances for Budget EGUs

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NEW SOURCE SET-ASIDES FOR "NEW" BUDGET EGUS
EARLY REDUCTION CREDITS FOR BUDGET EGUS

217.768	Opt-In Units
217.770	Opt-In Process
217.774	Budget Opt-In Units: Withdrawal from NO[x] Trading Program
217.776	Opt-In Units: Change in Regulatory Status
217.778	Allowance Allocations to Budget Opt-In Units
217.780	
217.782	

SUBPART X: VOLUNTARY NO[x] EMISSIONS REDUCTION
PROGRAM

Section	Purpose
217.800	Emission Unit Eligibility
217.805	Participation Requirements
217.810	NO[x] Emission Reductions and the Subpart X Trading Budget
217.815	Baseline Emissions Determination
217.820	Calculation of Creditable NO[x] Emission Reductions
217.825	Limitations on NO[x] Emission Reductions
217.830	NO[x] Emission Reductions Proposal
217.835	Agency Action
217.840	Emissions Determination Methods
217.845	Emissions Monitoring
217.850	Reporting
217.852	Recordkeeping
217.860	Enforcement
217.862	

APPENDIX A	Rule into Section Table
APPENDIX B	Section into Rule Table
APPENDIX C	Compliance Dates
APPENDIX D	Non-Electrical Generating Units
APPENDIX E	Large Non-Electrical Generating Units
APPENDIX F	Allowances for Electrical Generating Units

AUTHORITY: Implementing Sections 9.9 and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9.9, 10, 27 and 28.5.]

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 207: Nitrogen Oxides Emissions, 871-23, 4 PCB 191, April 13, 1972, filed and effective April 14, 1972; amended at 2 Ill. Reg. 17, P. 101, effective April 13, 1978; codified at 7 Ill. Reg. 13609; amended in R01-9 at 25 Ill. Reg. 128, effective December 26, 2000; amended in R01-11 at 25 Ill. Reg. 4597, effective March 15, 2001; amended in R01-16 and R01-17 at 25 Ill. Reg. 5914, effective 1/1/01.

**SUBPART U: NO[x] CONTROL AND TRADING PROGRAM FOR
SPECIFIED NO[x] GENERATING UNITS**

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 217.450 Purpose

The purpose of this Subpart is to cap the emissions of nitrogen oxides (NO_x) during the ozone control period from units subject to the provisions of this Subpart (budget units) by determining source allocations and by implementing the federal NO_x Trading Program, 40 CFR 96, consistent with the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. 5914 -- effective 1/1/2000)

Section 217.452 Severability

If any Section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, sentence or clause not found invalid.

(Source: Added at 25 Ill. Reg. 5914 -- effective 1/1/2000)

Section 217.454 Applicability

a) This Subpart applies to any fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system, with a maximum design heat input greater than 250 mbtu/hr and that is:

1) A unit listed in Appendix E of this Subpart, irrespective of any subsequent changes in ownership, unit designation, or name of the unit; or

2) A unit not listed in Appendix E of this Subpart that:

A) At no time serves a generator producing electricity for sale;

B) At any time serves a generator producing electricity for sale, if such generator has a nameplate capacity of 25 Mw or less and has the potential to use no more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0489 Mw/mbtu. If the size of the generator is smaller than this calculated number, the unit is subject to the provisions of this Subpart, but if the size of the generator is greater than this calculated number, the unit is subject to the provisions of Subpart W of this Part;

C) Is part of any source, as that term is defined in 35 Ill. Adm. Code 211.6130, listed in Appendix E of this Part; or

D) Is a unit subject to Subpart W of this Part (excluding any unit listed in Appendix F of this Part, regardless of any change in ownership or any change of operator), and the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

owner or operator makes a permanent election, at the time of applying for a budget permit pursuant to this Part, to subject the unit to the requirements of this Subpart rather than Subpart W of this Part. Any unit for which such an election is made will not receive an allocation from the Subpart U or Subpart W NO_x Trading Budget.

b) Those units that meet the above criteria and are subject to the NO_x Trading Program emissions limitations contained in this Subpart are budget units.

c) Low-emitter status: Notwithstanding subsection (a) of this Section, the owner or operator of a budget unit subject to the requirements of subsection (a) of this Section may elect low-emitter status by obtaining a permit with federally enforceable conditions that meet the requirements of Section 217.472(a). Starting with the effective date of such permit, the unit shall be subject only to the requirements of Section 217.472.

d) The owner or operator of any budget unit not listed in Appendix E of this Part but subject to this Subpart shall not receive an allocation of NO_x allowances from the Subpart U or Subpart W NO_x Trading Budget or from the Subpart U NO_x Trading Budgets, except for any allowance from the new source set-aside in accordance with Section 217.468 of this Subpart. Such unit must acquire NO_x allowances in an amount not less than the NO_x emissions from such budget unit during the control period (rounded to the nearest whole ton) in accordance with the federal NO_x Trading Program, Subpart X of this Part or pursuant to a permanent transfer of NO_x allocations pursuant to Section 217.462(b) of this Subpart.

e) Notwithstanding any other provisions of this Subpart, a source and units at the source subject to the provisions of subsection (a) of this Section will become subject to this Subpart on the first day of the control season subsequent to the calendar year in which all of the other states subject to the provisions of the NO_x SIP call (63 Fed. Reg. 57355, October 27, 1998) that are located in USEPA Region V or are that contiguous to Illinois have adopted regulations to implement NO_x trading programs and other required reductions of NO_x emissions pursuant to the NO_x SIP call, and such regulations have received final approval by USEPA as part of the respective states' SIPs for ozone, or a final FIP for ozone promulgated by USEPA is effective. [415 ILCS 519/2(f)]

(Source: Added at 25 Ill. Reg. 5914 -- effective 1/1/2000)

Section 217.456 Compliance Requirements

All budget units subject to the requirements of this Subpart must comply with the following:

a) The requirements of this Subpart and 40 CFR 96, excluding 40 CFR

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

96.4(b), 96.55(c), and subparts C, E, and I, as incorporated by reference in Section 217.104 of this Part. To the extent that this Subpart contains provisions which are inconsistent with any provisions of 40 CFR 96, the owner or operator of budget units subject to this Subpart shall comply with the provisions of this Subpart in lieu of those provisions which were incorporated by reference.

b) Budget permit requirements:

- 1) The owner or operator of each source with one or more budget units at the source subject to this Subpart must submit a complete permit application for a budget permit in accordance with the provisions of Section 217.458(a)(4), (a)(5) or (a)(6), as applicable, to be issued by the Agency with federally enforceable conditions covering the NO(x) Trading Program (budget permit), and that complies with the requirements of Section 217.458 of this Subpart.
- 2) The owner or operator of one or more budget units subject to this Subpart must operate each such budget unit in compliance with such budget permit or complete budget permit application, as applicable.
- 3) The owner or operator of one or more budget units subject to this Subpart, at the time of filing an application for a permit under this Section, must submit a complete application for either a permit incorporating a source-wide overdraft account (as such term is defined in 40 CFR 96.2), or a permit incorporating unit specific compliance accounts for each budget unit at the source subject to this Subpart. Such election shall be at the sole discretion of the owner or operator of the source and the Agency shall incorporate such election into a permit issued to the source pursuant to this Subpart.

c) Monitoring requirements:

- 1) For budget units subject to the requirements of this Subpart, and which commence operation on and after January 1, 2000, the owner or operator of each such budget unit at the source must comply with the monitoring requirements of 40 CFR 96, subpart H. The account representative of each such budget unit at the source shall comply with those sections of the monitoring requirements of 40 CFR 96, subpart H, applicable to an account representative.
- 2) The compliance of each budget unit subject to the requirements of subsection (c)(1) or subsection (c)(3)(A) of this Section with the control period NO(x) emissions limitation under subsection (d) of this Section shall be determined by the emissions measurements recorded and reported in accordance with 40 CFR 96, subpart H.
- 3) For budget units which commenced operation prior to January 1, 2000:
 - A) The owner or operator of each such budget unit at the source must comply with the requirements of 40 CFR 96, subpart H, or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) If the monitoring requirements of 40 CFR 96, subpart H, are demonstrated by the source to be technically infeasible as applied to a budget unit subject to the requirements of this Subpart, the owner or operator of such budget unit may monitor by an alternative monitoring procedure for the budget unit approved by the Agency and the Administrator of USEPA pursuant to the provisions of 40 CFR 75, subpart E. Such alternative monitoring procedures must be contained as federally enforceable conditions in the unit's permit.
- 4) The compliance of each budget unit subject to the requirements of subsection (c)(3)(B) of this Section shall be determined by the emissions measurements recorded and reported in accordance with the federally enforceable conditions in the budget unit's permit addressing monitoring as required by subsection (c)(3)(B) of this Section.

d) Allowance requirements:

- 1) As of November 30 of each year, the allowance transfer deadline, the account representative of each source subject to the requirements of this Subpart must hold allowances available for compliance deductions under 40 CFR 96.54 for each budget unit at the source subject to this Subpart in the budget unit's compliance accounts, or the source's overdraft account. The number of allowances held in these accounts shall not be less than the total NO(x) emissions for the control period (rounded to the nearest whole ton), as determined in accordance with subsection (c) of this Section, plus any number of allowances necessary to account for actual utilization (e.g., for testing, start-up, malfunction, and shut down) under 40 CFR 96.42(e) for all budget units at the source subject to this Subpart. Compliance with this provision shall be demonstrated if, as of the allowance transfer deadline, the sum of the allowances available for compliance deductions for all budget units at the source subject to this Subpart is equal to or greater than the total NO(x) emissions (rounded to the nearest whole ton) from all budget units at the source subject to this Subpart.
- 2) Allowances shall be held in, deducted from, or transferred among allowance accounts in accordance with this Subpart and 40 CFR 96, subparts F and G.
- 3) Each ton of NO(x) emitted by a source with one or more budget units subject to this Subpart in any control period in excess of the NO(x) allowances held by the owner or operator for each budget unit at the source subject to this Subpart for each control period shall constitute a separate violation of this Subpart and the Act.
- 4) In order to comply with the requirements of subsection (d)(1) of this Section, an allowance may not be utilized for a control period in a year prior to the year for which the allowance was allocated.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 5) An allowance allocated by the Agency or USEPA under the NO(x) Trading Program is a limited authorization to emit one ton of NO(x). No provision of the NO(x) Trading Program, any permit issued or permit application submitted pursuant to this Subpart, or an exemption under 40 CFR 96.5 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit this authorization.
- 6) An allowance allocated by the Agency or USEPA under the NO(x) Trading Program or pursuant to this Subpart does not constitute a property right.
- 7) Upon recordation by USEPA under 40 CFR 96, subpart F or G, every allocation, transfer, or deduction of an allowance to or from a budget unit's compliance account or to or from the source's general or overdraft account where the budget unit is located is deemed to amend automatically and become a part of any budget permit of the budget unit. This automatic amendment of the budget permit shall occur by operation of law and will not require any further review.

e) Recordkeeping and reporting requirements:

- 1) Unless otherwise provided, the owner or operator of a source subject to the requirements of this Subpart must keep at the source each of the documents listed in subsections (e)(1)(A) through (e)(1)(D) of this Section for a period of 5 years from the date the document is created. This period may be extended for cause at any time prior to the end of 5 years in writing by the Agency or USEPA.
- A) The account certificate of representation for the account representative for the source and each budget unit at the source subject to the requirements of this Subpart and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 40 CFR 96.13, provided that the certificate and such supporting documents must be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the account representative.
- B) All emissions monitoring information, in accordance with subsection (C) of this Section, provided that to the extent that 40 CFR 96, subpart H, provides for a three-year period for recordkeeping, the three-year period shall apply.
- C) Copies of all reports, compliance certifications, and other submissions and all records made or required under this Subpart or the NO(x) Trading Program or documents necessary to demonstrate compliance with the requirements of this Subpart or the NO(x) Trading Program.
- D) Copies of all documents used to complete a budget permit application and any other submission under this Subpart or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- under the NO(x) Trading Program.
- 2) The account representative of a source and each budget unit at the source subject to the requirements of this Subpart must submit to the Agency and USEPA the reports and compliance certifications required under this Subpart and the NO(x) Trading Program, including those under 40 CFR 96, subparts D and E.
- f) Liability:
- 1) No revision of a budget permit shall excuse any violation of the requirements of the NO(x) Trading Program or this Subpart that occurs prior to the date that the revision under such budget permit takes effect.
- 2) Each budget source and each budget unit at the source shall meet the requirements of the NO(x) Trading Program.
- 3) Any provision of this Subpart or the NO(x) Trading Program that applies to a source subject to the requirements of this Subpart (including a provision applicable to the account representative of the source) shall also apply to the owner and operator of such source and to the owner and operator of the budget units subject to the requirements of this Subpart at the source.
- 4) Any provision of this Subpart or the NO(x) Trading Program that applies to a budget unit subject to the requirements of this Subpart (including a provision applicable to the account representative of such budget unit) shall also apply to the owner and operator of such budget unit. Except with regard to the requirements applicable to budget units with a common stack under 40 CFR 96, subpart H, the owner and operator and the account representative of one budget unit of which they are not an owner or operator or the account representative and that is located at a source of which they are not an owner or operator or the account representative.
- 5) Excess emissions requirements: The account representative of a source that has excess emissions in any control period shall surrender the allowances as required for deduction under 40 CFR 96.54(d)(1).
- 6) The owner or operator of a budget EGU that has excess emissions in any control period shall pay any fine, penalty, or assessment or comply with any other remedy imposed under 40 CFR 96.54(d)(3) and the Act.
- 9) Effect on other authorities: No provision of this Subpart, the NO(x) Trading Program, a budget permit application, a budget permit, or a retired budget unit exemption under 40 CFR 96.5 shall be construed as exempting or excluding the owner or operator and, to the extent applicable, the account representative of a source or budget unit from compliance with any other regulations promulgated under the CAA, the Act, an approved State Implementation plan, or a federally enforceable permit.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 25 Ill. Reg. 5914, effective 1/1/03)

Section 217.458 Permitting Requirements**a) Budget permit requirements:**

- 1) The owner or operator of each source with one or more budget units subject to this Subpart is required to timely submit, in accordance with subsection (a)(4), (a)(5), or (a)(6) of this Section, as applicable, a complete permit application addressing all requirements of this Subpart applicable to such budget units. Each budget permit (including a draft or proposed budget permit, if applicable) shall contain federally enforceable conditions addressing all applicable requirements of the NO(x) Trading Program and requirements of this Subpart and shall be a complete and segregable portion of the source's entire permit.
- 3) No budget permit will be issued, and no NO(x) allowance account will be established for any budget unit subject to this Subpart, until the Agency and US EPA have received a complete account certificate of representation under 40 CFR 96, subpart B, for an account representative of the source and each budget unit at the source subject to this Subpart.
- 4) For any budget unit subject to this Subpart that commenced operation before November 1, 2003, and for which a CAAPP permit is not required pursuant to Section 39.5 of the Act, the owner or operator of such budget unit must submit a budget permit application meeting the requirements of this Subpart on or before November 1, 2003.
- 5) For any budget unit subject to this Subpart that commenced operation before August 1, 2003, and for which a CAAPP permit is required pursuant to Section 39.5 of the Act, the owner or operator of such budget unit must submit a budget permit application meeting the requirements of this Subpart on or before August 1, 2003.
- 6) For any budget unit subject to this Subpart that is subject to Section 39.5 of the Act and that commences operation on or after August 1, 2003, and for any budget unit subject to this Subpart and not subject to Section 39.5 of the Act that commences operation on or after November 1, 2003, the owner or operator of such budget units must submit applications for construction and operating permits pursuant to the requirements of Sections 39 and 39.5 of the Act and 35 Ill. Adm. Code 201, and such applications must specify that they are applying for budget permits, and must address the budget permit application requirements of this Subpart.
- b) Budget permit applications:
 - 1) Duty to apply: The owner or operator of any source with one or more budget units subject to this Subpart must submit to the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Agency one or more complete budget permit applications under subsection (b)(2) of this Section for such budget units by the applicable deadline in subsection (a)(4), (a)(5), or (a)(6) of this Section. The owner or operator of any source with such budget units must reapply for a budget permit as required by this Subpart, and 35 Ill. Adm. Code 201 and Sections 39 and 39.5 of the Act.

- 2) Information requirements for budget permit applications: A complete budget permit application must include the following elements concerning the budget units for which the application is submitted:
 - A) Identification of the source, including plant name. The ORIS (Office of Regulatory Information Systems) or facility code assigned to the source by the Energy Information Administration must also be included, if applicable.
 - B) Identification of each fossil fuel-fired combustion turbine, stationary boiler or combined cycle system budget unit at the source.
 - C) An explanation why each budget unit is subject to the requirements of Section 217.454 of this Subpart; and
 - D) The compliance requirements of Section 217.456 of this Subpart.
- 3) Federally enforceable status of budget permit: An application for a budget permit shall be treated as a modification of the source's existing federally enforceable permit; if such permit has been issued for the source, and shall be subject to the same procedural requirements as the original application. When the Agency issues a budget permit, it shall be incorporated into and become a segregable part of the source's existing federally enforceable permit.

(Source: Added at 25 Ill. Reg. 5914, effective 1/1/03)

Section 217.460 Subpart U NO(x) Trading Budget

- a) The initial NO(x) allowances available for allocation for each control period (the Subpart U NO(x) Trading Budget) for budget units subject to the provisions of this Subpart shall be 4,882 tons per control period, subject to adjustment in accordance with subsections (b), (c) and (d) of this Section, and subject to the new source set-aside for budget units subject to this Subpart, as set forth in Sections 217.462 and 217.464 of this Subpart. The Subpart U NO(x) Trading Budget shall be initially allocated as set forth in Appendix B of this Part.
- b) The Agency may adjust the Subpart U NO(x) Trading Budget allowances for allocations in subsection (a) of this Section by adding allowances for budget units subject to this Subpart opting to become subject to this Subpart pursuant to the requirements for opt-in units in Sections

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.474 and 217.476 of this Subpart.

- c) The Agency shall adjust the Subpart U NO(x) Trading Budget available for allocations in subsection (a) of this Section to remove allowances from units opting to become exempt pursuant to the requirements for low-emitters in Sections 217.434(c) and 217.472 of this Subpart.
- d) Except as set forth in subsection (e) of this Section, if USEPA adjusts the base Subpart U NO(x) Trading Budget of 4,882 allowances, the Agency will adjust the Subpart U NO(x) Trading Budget pro-rata.
- e) If USEPA adjusts the Subpart U NO(x) Trading Budget as to any individual budget unit, the Subpart U NO(x) Trading Budget shall not be adjusted pro-rata, and only the allowance allocation for that budget unit will be adjusted.

(Source: Added at 25 Ill. Reg. 5914--, effective 4/16/17)

Section 217.462 Methodology for Obtaining NO(x) Allocations

- a) Appendix E of this Part identifies the sources with existing budget units subject to this Subpart and the number of NO(x) allowance allocations that each such budget unit is eligible to receive each control period, subject to adjustment in accordance with Section 217.460 of this Subpart and for transfers made in accordance with subsection (b) of this section. Each named budget unit's allocation will be adjusted proportionally based on the adjusted Subpart U NO(x) trading budget as provided by Section 217.460 of this Subpart.
- b) The owner or operator of budget units subject to this Subpart may permanently transfer all or part of their allocation of allowances pursuant to Column 5 of Appendix E of this Part, subject to adjustment in accordance with this Subpart, to another budget unit subject to this Subpart, or to a budget unit subject to Subpart W of this Part. Such transfer will be effective by submitting a written request to the Agency that is signed by the account representative for the transferring budget unit and containing the account number for the recipient budget unit. The owner or operator of budget units subject to this Subpart may not permanently transfer all or part of the new source set aside indicated as the difference between Column 4 and Column 5 of Appendix E of this Part.
- c) Subject to adjustment in accordance with this Subpart, revocation or revision of the federal NO(x) Trading Program or this Subpart's allocations pursuant to Appendix E of this Part exist for the life of the program, including all or a portion of any allocation transferred to another budget unit pursuant to the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. 5914--, effective 4/16/17)

Section 217.464 Methodology for Determining NO(x) Allowances from the New

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Source Set-Aside

- a) The methodology for calculating the allowances available to be allocated to new budget units subject to this Subpart from the new source set-aside is based on the more stringent emission rate of 0.15 lb/mmbtu or the permitted NO(x) emission rate, but not less than 0.055 lb/mmbtu.
- b) The general equation for determining allowances is:

$$A = HI \times ER$$

$$2000$$

Where HI = heat input (in mmbtu/control period) as determined in accordance with subsection (c) of this Section.

Where ER = The NO(x) emission rate in lbs/mmbtu as determined in accordance with subsection (a) of this Section.

Where A = allowances of NO(x) control period.

- c) The projected heat input shall be determined as set forth below, divided by 2000 lbs/ton:

- 1) For "new" budget units subject to this Subpart that have seasonal heat input from at least 3 control periods prior to the allocation year, the average of the budget unit's 2 highest seasonal heat inputs from the control periods 1 to 3 years prior to the allocation year;
- 2) For "new" budget units subject to this Subpart that have seasonal heat input from only 2 control periods prior to the allocation year, the average of the budget unit's seasonal heat inputs from the control periods 1 and 2 years prior to the allocation year;
- 3) For "new" budget units subject to this Subpart that have seasonal heat input from only the control period prior to the allocation year, the heat input from that control period; or
- 4) For "new" budget units subject to this Subpart that have not operated for at least 77 days of the control period prior to the allocation year, the budget unit's maximum design heat input for the control period as designated in the construction permit.

(Source: Added at 25 Ill. Reg. 5914--, effective 4/16/17)

Section 217.466 NO(x) Allocations Procedure for Subpart U Budget Units

For each control period, the Agency will allocate the total number of NO(x) allowances in the Subpart U NO(x) Trading Budget apportioned to budget units

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

under Section 217.460 of this Subpart, subject to adjustment as provided in this Subpart. These allocations will be issued as provided in subsections (a) and (b) of this Section, as follows:

- a) The Agency will allocate to each budget unit that is listed in Appendix E of this Part the number of allowances listed in Column 5 of Appendix E of this Part for that budget unit for each 3-year period of the program. The Agency will report these allocations to US EPA by March 1 of 2004, and triennially thereafter.
- b) The Agency will allocate allowances from the new source set-aside to "new" budget units as set forth in Section 217.468 of this Subpart.
- c) The Agency will report allocations from the new source set-aside to US EPA by April 1 of each year for the following year.
- d) To the extent that allowances remain in the new source set-aside after any allocation pursuant to subsection (b) of this Section, the Agency shall allocate any such remaining allowances pro-rata to the owner or operator of the budget units listed in Appendix E of this Part to the extent a whole allowance may be allocated to any such owner or operator. The Agency will make such allocation by April 15 of each year. If there are insufficient allowances to allocate a whole allowance to any such owner or operator of a budget unit listed in Appendix E of this Part, such allowances shall be retained by the Agency in the new source set-aside. Any such allowances retained in the new source set-aside shall be accumulated in the new source set-aside and may either:
 - 1) Be available for allocation to new budget units for future control periods, subject to the provisions of Section 217.466 of this Subpart; or
 - 2) If, after any annual allocation to new budget units, there are sufficient allowances accumulated in the new source set-aside to allocate one or more whole allowances to the owner or operator of existing budget units listed in Appendix E of this Part on a pro-rata basis, such accumulated whole allowances shall be allocated pro-rata to such owner or operators.

(Source: Added at 25 Ill. Reg. 5014-- effective 3/1/01, 4/1/01)

Section 217.468 New Source Set-Asides for "New" Budget Units

- a) For the 2004-, 2005 and 2006 control periods, a "new" budget unit is one that commenced commercial operation on or after January 1, 2000. For the 2007 and later control periods, a "new" budget unit is one that commenced commercial operation no more than 3 control periods prior to the year the allocation is requested pursuant to this Section. Those units that commenced commercial operation on or after January 1, 2000, but before May 31, 2004, become "existing" budget units on October 1, 2004. Those units that commenced commercial operation on or after May 31, 2004, become "existing" budget units the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

end of the third control period after they commenced commercial operation.

- b) "New" budget units must have an allowance for every ton of NO(x) emitted during the control period as provided in Section 217.456(d) of this Subpart.
- c) The Agency will establish a new source set-aside for each control period from which "new" budget units may purchase NO(x) allowances. Each new source set-aside will be allocated allowances equal to 3% of each source's initial total Subpart U NO(x) Trading Budget allocation as reflected in Column 5 of Appendix E of this Part, which is 146 allowances, for each control period. The allocation for the new source set-aside from each source shall be based on 3% of the source's initial allocation, without regard to subsequent adjustment to any such source's current allocation, including permanent transfer of allowances to another source or revision of the Subpart U NO(x) Trading Budget by US EPA.
- d) A "new" budget unit may request to purchase from the Agency a number of allowances that is not more than the number of allowances for which it is eligible, as determined in Section 217.464 of this Subpart, and subject to the provisions of this Section.
- e) The account representative of a "new" budget unit under subsection (a) of this Section may purchase allowances from the new source set-aside by submitting to the Agency a request, in writing or in a format specified by the Agency, to be allocated allowances for the current control period from the new source set-aside. The allocation request for each applicable control period must be submitted after the date on which the Agency issues a construction permit to the "new" budget unit and before February 1 of the control period for which the allocation is requested.
- f) The Agency will notify the account representative by March 1 of the applicable year of the number of allowances that are eligible for purchase for the "new" budget unit pursuant to the requirements of this Section. If the Agency does not receive payment by March 15 of the applicable year, the account representative will forfeit his/her eligibility to purchase the allowances offered. The Agency will make available for purchase those forfeited allowances on a pro-rata basis to "new" budget units requesting allocations pursuant to this Section, up to the number of allowances requested by each account representative. Such additional allocations are subject to the purchase requirements of subsection (g) of this Section.
- g) The price of allowances from the new source set-aside shall be:
 - 1) For 2004 only, the price shall be the average price at which NO(x) allowances were traded in 2003 in the Ozone Transport Region; and
 - 2) For all years other than 2004, the average price at which NO(x) allowances were traded in the Interstate NO(x) Trading Program for the preceding control period.
- h) The fees collected by the Agency from the sale of allowances will be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

distributed pro-rata to budget units receiving allowances pursuant to Appendix E of this Part on the basis of allocated allowances, subject to Agency administrative costs assessed pursuant to Section 9.9 of the Act.

(Source: Added at 25 Ill. Reg. 5914-2, effective 1/1/01)

Section 217.470 Early Reduction Credits (ERCs) for Budget Units

If a budget unit reduces its NO_x emission rate as required by the applicable provisions of subsection (c) of this Section in the 2001 or 2002 control period, or if approved by US EPA the 2003 control period, for use in 2004 control period, or later control periods authorized by US EPA, the account representative may request early reduction credits (ERCs) for such reductions, and the Agency will allocate ERCs to the budget unit in accordance with the following:

- a) Each budget unit for which the account representative requests any ERCs under subsection (d) of this Section must monitor NO_x emissions in accordance with 40 CFR 96, subpart H, as incorporated by reference in Section 217.104 of this Part, starting with the control period prior to the control period for which ERCs will first be requested. For example, if ERCs are requested for reductions made in the 2001 control period, the budget unit must have implemented the applicable monitoring for the 2000 control period. The budget unit's monitoring system availability must be at least 90% during the control period prior to the control period in which the NO_x emissions reduction is made and the budget unit must be in compliance with any applicable State or Federal emissions or emissions-related requirements.
- b) The NO_x emission rate and heat input under subsections (c) through (e) of this Section shall be determined in accordance with 40 CFR 96, subpart H.
- c) Each budget unit for which ERCs are requested under subsection (d) of this Section must have reduced its NO_x emission rate for each control period for which ERCs are requested by 30% or more below the actual NO_x emissions rate (lbs/mmBtu) for the first control period in which ERCs are requested.
- d) The account representative of a budget unit that meets the requirements of subsections (a) through (c) of this Section may submit to the Agency a request for ERCs for the budget unit based on NO_x emission rate reductions made by the budget unit in control periods 2001, 2002 and 2003.
 - 1) The number of ERCs that may be requested for any applicable control period shall be an amount equal to the budget unit's heat input for such control period multiplied by the difference between the budget unit's NO_x emission rate (meeting the requirements of subsection (c) of this Section for the applicable

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

control period) and the budget unit's actual NO_x emission rate for such the applicable control period, divided by 2000 lbs/ton, and rounded to the nearest ton;

- 2) Upon request of the account representative, the ERC allowance allocation for a particular budget unit may be deposited in the source's overdraft account rather than in the budget unit's compliance account; and
- 3) The early reduction request must be submitted by November 1 for reductions made in the previous control period in a format specified by the Agency.
- 4) In the event that the May 31, 2004 date for implementing the NO_x SIP Call is delayed, the early reduction request must be submitted in accordance with any rulemaking or guidance by US EPA on the distribution of the Compliance Supplement Pool under the NO_x SIP Call, 63 Fed. Reg. 57356 (October 27, 1998).
- f) The Agency will allocate ERCs to the budget units meeting the requirements of subsections (a) through (c) of this Section and covered by ERC requests meeting the requirements of subsection (d) of this Section in accordance with the following procedures:
 - 1) The Agency shall allocate no more than 2,427 ERCs over three years, as follows:
 - A) Not more than one-half of the total ERC allowances for reductions made in the control period in 2001;
 - B) Not less than one-half of the total ERC allowances for reductions made in the control period in 2002; and
 - C) If approved by US EPA, any ERC allowances not allocated pursuant to subsection (f)(1)(A) or (B) of this Section, for reductions made in the control period in 2003.
 - 2) If the number of ERC allowances requested for a reduction achieved in any control period is less than or equal to the number of ERC allowances designated for that control period in subsection (f)(1) of this Section, the Agency will allocate one allowance for each accepted ERC request; and
 - 3) If the number of ERC allowances requested for a reduction achieved in any control period is greater than the number of ERC allowances designated for that control period in subsection (f)(1) of this Section, the Agency will allocate allowances for accepted requests on a pro-rata basis.
- g) By April 1, the Agency will notify the account representative submitting an ERC request for the subsequent control period of the number of ERC allowances that will be allocated to each budget unit for that control period.
- h) By May 1, 2004, the Agency will submit to US EPA the ERC allocations made by the Agency under this Section. US EPA will record such allocations to the extent that they are consistent with the requirements of this Section.
- i) ERC allowances recorded under subsection (h) of this Section may be deducted under 40 CFR 96.54, as incorporated by reference in Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.1104 of this Part, for the control period in 2004 or such control periods as may be specified by USBPA. Notwithstanding 40 CFR 96.55(a), USBPA will deduct as retired any ERC allowances that are not deducted for compliance in accordance with 40 CFR 96.54 for the control period in 2004 or such control periods as may be specified by USBPA.

- j) ERC allowances are treated as banked allowances in 2004 for the purposes of 40 CFR 96.55(a) and (b).

(Source: Added at 25 Ill. Reg. 5014-2 effective 11/1/04)

Section 217.472 Low-Emitter Requirements

Starting with the effective date of the permit referred to in Section 217.454(c), the budget unit electing low-emitter status shall be subject only to the requirements of this Section.

- a) For each control period the owner or operator elects low-emitter status, the federally enforceable permit conditions must:

- 1) Restrict the unit to burning only natural gas, fuel oil, or natural gas and fuel oil;
- 2) Limit the unit's potential NO_x mass emissions for the control period to 25 tons or less;
- 3) Restrict the unit's operating hours to the number calculated by dividing 25 tons of operating NO_x mass emissions by the unit's maximum potential hourly NO_x mass emissions;
- 4) Require that the unit's potential NO_x mass emissions shall be calculated by using the monitoring provisions of 40 CFR 75, or if the unit does not rely on these monitoring provisions, as follows:

- A) Select the applicable default NO_x emission rate: 0.7 lbs/mbtu for combustion turbines burning natural gas exclusively during the control period; 1.2 lbs/mbtu for combustion turbines burning any fuel oil during the control period; 1.5 lbs/mbtu for boilers burning natural gas exclusively during the control period; or 2 lbs/mbtu for boilers burning any fuel oil during the control period.
- B) Multiply the default NO_x emission rate under subsection (a)(4)(A) of this Section by the unit's maximum rated hourly heat input which is the higher of the manufacturer's maximum rated hourly heat input or the highest observed hourly heat input. The owner or operator of the unit may request in the permit application required by this subsection that the Agency use a lower value for the unit's maximum rated hourly heat input. The Agency may approve such lower value if the owner or operator demonstrates that the maximum hourly heat input specified by the manufacturer or the highest observed hourly heat input, or both, are not representative. The

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

owner or operator must demonstrate that such lower value is representative of the unit's current capabilities because modifications have been made to the unit that permanently limit the unit's capacity:

- 5) Require that for 5 years at the source that includes the unit, records demonstrating that the operating hours restriction, the fuel use restriction and the other requirements of the permit related to these restrictions were met; and
- 6) Require that the owner or operator of the unit report to the Agency for each control period the unit's hours of operation (treating any partial hour of operation as a whole hour of operation), heat input and fuel use by type. This report shall be submitted by November 1 of each year the unit elects low-emitter status.

- b) The Agency will notify the USBPA in writing of each unit electing low-emitter status pursuant to the requirements of subsection (a) of this Section and when any of the following occurs:

- 1) The permit with federally enforceable conditions that includes the restrictions in subsection (a) of this Section is issued by the Agency;
- 2) Such permit is revised to remove any such restriction;
- 3) Such permit includes any such restriction that is no longer applicable; or
- 4) The unit does not comply with any such restriction.

- c) The unit shall become subject to the requirements of this Subpart if, for any control period under this Section, the fuel use restriction of the operating hours restriction under subsection (a) of this Section is removed from the unit's permit or otherwise is no longer applicable, or the unit does not comply with the fuel use restriction or the operating hours restriction under subsection (a) of this Section. Such unit shall be treated as commencing operation on September 30 of the control period for which the fuel use restriction or the operating hours restriction is no longer applicable or during which the unit does not comply with the fuel use restriction or the operating hours restriction.

- d) The owner or operator of a unit to which the Agency has ever allocated allowances under Appendix E of this Part may elect low-emitter status. In that case, the Agency will reduce the Subpart U NO_x budget by the number of allowances equal to the amount of NO_x emissions the unit is permitted to emit during the control period, pursuant to a federally enforceable condition in the unit's permit. The owner or operator of a unit electing low-emitter status may demonstrate that it holds sufficient allowances to cover the unit's NO_x emissions by offsetting the emission from such unit, not to exceed its permitted emission limit as included in its federally enforceable permit, with allowances issued for voluntary NO_x reductions meeting the requirements of Subpart X of this Part. The Agency will not reduce the Subpart U NO_x budget by the allowances issued for NO_x

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

reductions obtained in accordance with Subpart X of this Part.

(Source: Added at 25 Ill. Reg. 5914--, effective 1/1/70)

Section 217.474 Opt-In Units

- a) Any operating fossil fuel-fired stationary boiler, combustion turbine, combined cycle system, cement kiln or stationary internal combustion engine in the State may qualify under this Subpart to become an opt-in budget unit if it:
 - 1) Is not a budget EGU under Subpart W of this Part;
 - 2) Vents all of its emissions to a stack;
 - 3) Has documented heat input for more than 876 hours in the six months immediately preceding the submission of an application for an initial budget permit under subsection (d) of this Section;
 - 4) Is not covered by a retired unit exemption under 40 CFR 96.53; and
 - 5) Is not covered by the low-emitter exemption under Section 217.454(c) of this Subpart.
- b) Except as otherwise provided in this Subpart, an opt-in budget unit shall be treated as a budget unit for purposes of applying this Subpart and 40 CFR 96.
- c) Authorized Account Representative
 - 1) If an opt-in unit is located at the same source as one or more budget units, it shall have the same account representative as those budget units.
 - 2) If the opt-in unit is not located at the same source as one or more budget units, the owner or operator of the opt-in unit shall submit a complete account certificate of representation under 40 CFR 96.13.
- d) To apply for a budget permit, the account representative of a unit meeting the qualifications of subsection (a) of this Section must, except as provided under Section 217.478(f) of this Subpart, submit to the Agency:
 - 1) A budget permit application for the unit that:
 - A) Meets the requirements under Section 217.458 of this Subpart; and
 - B) Contains provisions for a change in the regulatory status of the unit to an opt-in budget unit under Section 217.454 of this Subpart pursuant to the provisions of Section 217.480(b) of this Subpart.
 - 2) A monitoring plan for the unit in accordance with 40 CFR 96.4, subpart H.

(Source: Added at 25 Ill. Reg. 5911--, effective 1/1/70)

Section 217.476 Opt-In Process

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Agency will issue or deny a budget permit for an opt-in unit in accordance with Section 217.478 of this Subpart and the following:

- a) The Agency will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a budget permit for an opt-in unit. A monitoring plan is sufficient, for purposes of interim review, if the plan contains information demonstrating that the NOx] emission rate and heat input of the unit are monitored and reported in accordance with 40 CFR 96, subpart H. A determination of sufficiency shall not be construed as acceptance or approval of that unit's monitoring plan.
- b) If the Agency determines that the unit's monitoring plan is sufficient under subsection (a) of this Section and after completion of the monitoring system certification under 40 CFR 96, subpart H, the NOx] emission rate and the heat input of the unit shall be monitored and reported in accordance with 40 CFR 96, subpart H, for one full control period during which the monitoring system availability is not less than 90% and during which the unit is in full compliance with any applicable State or Federal emissions or emissions-related requirements.
- c) Based on the information monitored and reported under subsection (b) of this Section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmBtu) for the control period, and the unit's baseline NOx] emission rate shall be calculated as the unit's total NOx] emissions (in lbs) for the control period divided by the unit's baseline heat rate.

(Source: Added at 25 Ill. Reg. 5914--, effective 1/1/70)

Section 217.478 Opt-In Budget Units: Withdrawal from the NOx] Trading Program

- a) Requesting withdrawal: To withdraw from the NOx] Trading Program, the account representative of an opt-in budget unit shall submit to the Agency a request to withdraw from the NOx] Trading Program and to withdraw the budget permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.
- b) Conditions for withdrawal: Before an opt-in budget unit may withdraw from the NOx] Trading Program and the budget permit may be withdrawn under this Section, the following conditions must be met:
 - 1) For the control period immediately before the withdrawal is to be effective, the account representative must submit to the Agency an annual compliance certification report in accordance with 40 CFR 96.30.
 - 2) If the opt-in budget unit has excess emissions for the control period immediately before the withdrawal is to be effective,

Section 217.476 Opt-In Process

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

USEPA has deducted from the opt-in budget unit's compliance account, or the overdraft account of the NO[x] budget source where the opt-in budget unit is located, the number of allowances required in accordance with 40 CFR 96.34(d) for the control period.

- 3) After the requirements for withdrawal under subsections (b)(1) and (2) of this Section are met, USEPA will deduct from the opt-in unit's compliance account, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to any allowances allocated to that unit under Section 217.792 of this Subpart for the control period for which the withdrawal is to be effective and earlier control periods. USEPA will close the opt-in budget unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the opt-in unit. The account representative for the opt-in budget unit shall become the account representative for the general account.
- c) An opt-in budget unit that withdraws from the Subpart U NO[x] Trading Program shall comply with all requirements under the NO[x] Trading Program concerning all years for which such opt-in budget unit was an opt-in budget unit, even if such requirements arise or must be complied with after the withdrawal takes effect.
- d) Notification:
- 1) After the requirements for withdrawal under subsections (a) and (b) of this Section are met (including deduction of the full amount of allowances required), the Agency will revise the budget permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.

- 2) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator and the account representative of the opt-in budget unit that the opt-in unit's request to withdraw its budget permit is denied. If the opt-in budget unit's request to withdraw is denied, the opt-in budget unit shall remain subject to the requirements for an opt-in budget unit.
- e) Reapplication upon failure to meet conditions of withdrawal: If the Agency denies the opt-in budget unit's request to withdraw, the account representative of the opt-in budget unit may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.
- f) Ability to return to the NO[x] Trading Program: Once an opt-in unit withdraws from the NO[x] Trading Program and its budget permit is withdrawn under this Section, the account representative may not submit another application for a budget permit under Section 217.474(d) of this Subpart for the unit prior to the date that is four years after the date on which the budget permit with opt-in conditions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

is withdrawn.

(Source: Added at 25 Ill. Reg. 591 4-22, effective April 1, 2001)

Section 217.480 Opt-In Units: Change in Regulatory Status

- a) Notification: When an opt-in unit becomes an opt-in budget unit under Section 217.476 of this Subpart, the owner or operator shall notify the Agency and USEPA in writing of such change in the opt-in unit's regulatory status within 30 days of such change.
- b) Any permit application that provides for a change in the regulatory status of a unit to an opt-in budget unit pursuant to Section 217.474(d)(1)(B) of this Subpart and included in a budget permit, is effective on the date on which the opt-in unit becomes an opt-in budget unit under Section 217.454 of this Subpart.

c) USEPA's action.

1) USEPA will deduct from the compliance account for the opt-in budget unit under this Section, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to and allocated for the same or a prior control period as:

- A) Any allowances allocated to the budget unit (as an opt-in unit) under Section 217.482 of this Subpart for any control period after the last control period during which the unit's budget permit was effective; and
- B) If the effective date of any budget permit under subsection (b) of this Section is during a control period, the allowances allocated to the opt-in budget unit (as an opt-in unit) under Section 217.482 of this Subpart for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.
- 2) The account representative shall ensure that the compliance account of the opt-in budget unit under subsection (b) of this Section, or the overdraft account of the budget source where the opt-in budget unit is located, contains the allowances necessary for completion of the deduction under subsection (c)(1) of this Section. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.
- 3) For every control period during which any budget permit under subsection (b) of this Section is effective, the opt-in budget unit under subsection (b) of this Section will be treated, solely for purposes of allowance allocations under Section 217.466 of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.468 of this Subpart, as a unit that commenced operation on the effective date of the budget permit under subsection (b) of this Section and will be allocated allowances in accordance with Section 217.466 or 217.468 of this Subpart.

- 4) Notwithstanding subsection (c)(2) of this Section, if the effective date of any budget permit under subsection (b) of this Section is during a control period, the following number of allowances will be allocated to the opt-in budget unit for the control period: the number of allowances otherwise allocated to the opt-in budget unit under Section 217.466 or 217.468 of this Subpart for the control period multiplied by the ratio of the number of days in the control period, starting with the effective date of the budget permit under subsection (b) of this Section, divided by the total number of days in the control period.

- d) When the owner or operator of an opt-in unit does not renew the budget permit for the opt-in budget unit issued pursuant to Section 217.474(d), USEPA will deduct from the opt-in budget unit's compliance account, or the overdraft account of the budget source where the opt-in budget unit is located, allowances equal in number to and allocated to the opt-in budget period as any allowances allocated to the opt-in budget unit under Section 217.482 of this Subpart for any control period after the last control period for which the budget permit is effective. The account representative shall ensure that the opt-in budget unit's compliance account or the overdraft account of the budget source where the opt-in budget unit is located contains the allowances necessary for completion of such deduction. If the compliance account or overdraft account does not contain sufficient allowances, USEPA will deduct the required number of allowances, regardless of the control period for which they were allocated, whenever allowances are recorded in either account.

- e) After the deduction under subsection (d) of this Section is completed, USEPA will close the opt-in unit's compliance account. If any allowances remain in the compliance account after completion of such deduction and any deduction under 40 CFR 96.54, USEPA will close the opt-in unit's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owner or operator of the opt-in unit. The account representative for the opt-in unit shall become the account representative for the general account.

(Source: Added at 25 Ill. Reg. 5914, effective 11/1/11)

Section 217.482 Allowance Allocations to Opt-In Budget Units

- a) Allowance allocations:

- 1) By the December 31 immediately before the first control period for which the budget permit is effective, the Agency will

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

allocate allowances to the opt-in budget unit and submit to USEPA the allocation for the control period in accordance with subsection (b) of this Section.

- 2) By no later than December 31 after the first control period for which the budget permit is in effect and the December 31 of each year thereafter, the Agency will allocate allowances to the opt-in budget unit and submit to USEPA allocations for the next control period, in accordance with subsection (b) of this Section.

- b) For the first control period, and for each subsequent control period for which the opt-in budget unit has a budget permit, the opt-in budget unit will be allocated allowances in accordance with the following procedures:

- 1) The heat input (in mmbtu) used for calculating allowance allocations will be the lesser of:

- A) The opt-in unit's baseline heat input determined pursuant to Section 217.476(c) of this Subpart; or
B) The opt-in unit's heat input, for the control period in the year prior to the year of the first control period for which the allocations are being calculated, as determined in accordance with 40 CFR 96, subpart H.

- 2) The Agency will allocate allowances to the opt-in budget unit in an amount equaling the heat input (in mmbtu) determined under subsection (b)(1) of this Section multiplied by the lesser of:

- A) The unit's baseline NO_x emission rate (in lbs/mmbtu) determined pursuant to Section 217.476(c) of this Subpart;
or

- B) The lowest NO_x emissions limitation (calculated in lbs/mmbtu) under State or Federal law that is applicable to the budget opt-in unit for the year of the control period for which the allocations are being calculated, regardless of the averaging period to which the emissions limitation applies.

(Source: Added at 25 Ill. Reg. 5914, effective 11/1/11)

SUBPART V: ELECTRIC POWER GENERATION

Section 217.700 Purpose

The purpose of this Subpart is to control the emissions of nitrogen oxides (NO_x) from electrical generating units (EGUs) during the ozone control period (for purposes of Subpart V, the ozone control period is May 1 through September 30 of each year, beginning in 2003), by limiting the emissions of NO_x from EGUs to no more than 0.25 lbs/mmbtu of actual heat input during each ozone control period.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 25 Ill. Reg. 5914-2, effective 1/16/2000)

Section 217.702 Severability

If any section, subsection or clause of this Subpart is found invalid, such finding shall not affect the validity of this Subpart as a whole or any Section, subsection or clause not found invalid.

(Source: Added at 25 Ill. Reg. 5914-2, effective 1/16/2000)

Section 217.704 Applicability

The following fossil fuel-fired stationary boilers, combustion turbines or combined cycle systems are electrical generating units (EGUs) and shall be subject to this Subpart on or after May 1, 2003:

- a) Any unit serving a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale, excluding those units listed in Appendix D of this Part and any new unit at a source listed in Appendix D of this Part.
- b) Any unit with a maximum design heat input that is greater than 250 mmbtu/hr that commences operation on or after January 1, 1999, serving at any time a generator that has a nameplate capacity of 25 MWe or less, and has the potential to use more than 50% of the potential electrical output capacity of the unit. Fifty percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe/mmbtu. If the size of the generator is greater than this calculated number, the unit is an EGU subject to the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. 5914-2, effective 1/16/2000)

Section 217.706 Emission Limitations

- a) On or after May 1, 2003, no owner or operator subject to this Subpart shall cause or allow the emissions of NO_x into the atmosphere from any EGU to exceed 0.25 lbs/mmbtu of actual heat input during each ozone control period, based on a ozone control period average, for that unit.

- b) Notwithstanding the emission limitation in subsection (a) of this Section, any EGU subject to a more stringent NO_x emission limitation pursuant to any State or Federal statute, including the Act, the Clean Air Act, or any regulations promulgated thereunder, shall comply with both the requirements of this Subpart and that more stringent emission limitation.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 25 Ill. Reg. 5914-2, effective 1/16/2000)

Section 217.708 NO_x Averaging

- a) Notwithstanding Section 217.706(a) of this Subpart, the owners or operators of EGUs listed in Appendix F of this Part and the owner or operator of Soyland Power may elect to demonstrate compliance with this Subpart by averaging for the ozone control period the NO_x emission rates of any EGU listed in Appendix F or with any EGU at Soyland Power's Aisey Illinois facility that commenced commercial operation on or before January 1, 2000.

- b) The average NO_x emission rate for all EGUs being averaged pursuant to this Section must not exceed 0.25 lbs/mmbtu and shall be determined as follows:

$$E_{avg} = \frac{\sum_{i=1}^n 3 (HI[i] \times ER[i])}{\sum_{i=1}^n 3 HI[i]}$$

Where:

- E_{avg} = average emission rate in lb/mmbtu of all EGUs in averaging demonstration
- $HI[i]$ = heat input for the ozone control period of EGU i, in mmbtu, as specified in the NO_x averaging demonstration
- $ER[i]$ = actual NO_x emission rate of EGU i, in lbs/mmbtu, as specified in the NO_x averaging demonstration
- n = number of EGUs that are averaging

- c) Averaging under this Subpart must be authorized through federally enforceable permit conditions for such EGU.
- d) An EGU may be included in only one NO_x averaging demonstration during an ozone control period.
- e) Compliance by averaging for each ozone control period must be demonstrated by November 30 following each ozone control period.
- f) If averaging is used to demonstrate compliance with this Subpart, the effect of a failure to demonstrate such compliance shall be that the compliance status of each EGU shall be determined pursuant to Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

217.706(a) as if the NO_x emission rates of such EGUs were not averaged.

- g) The owner or operator of any EGU that elects to participate in an averaging demonstration to demonstrate compliance with this Subpart cannot average with any other EGU for which the owner or operator of such EGU does not maintain the required records, data, and reports, or does not submit copies of such records, data, or reports to the Agency upon request.

(Source: Added at 25 Ill. Reg. 591.4 - effective 01/01/03)

Section 217.710 Monitoring

- a) The owner or operator of an EGU subject to this Subpart shall install, calibrate, maintain and operate continuous emissions monitoring systems (CEMS) for NO_x that meet the requirements of 40 CFR 75, subpart B.

- b) Notwithstanding subsection (a), the owner or operator of a gas-fired peaking unit or oil-fired peaking unit as defined in 40 CFR 72.2 may determine NO_x emissions in accordance with the emissions estimation protocol of 40 CFR 75, subpart E.

- c) Notwithstanding subsection (a), the owner or operator of a combustion turbine that operates less than 350 hour per ozone control period may determine the heat input and NO_x emissions of the turbine as follows:

1) Heat input shall be determined from the metered fuel usage to the turbine or the calculated heat input determined as the product of the turbine's maximum hourly heat input and hours of operation as recorded by operating instrumentation on the turbine;

- 2) NO_x emissions shall be determined as the product of the heat input, as determined above, and the appropriate default NO_x emission factors below:

0.7 lbs/mmBtu - Natural gas
1.2 lbs/mmBtu - Fuel oil
(Source: Added at 25 Ill. Reg. 591.4 - effective 01/01/03)

Section 217.712 Reporting and Recordkeeping

The owner or operator of an EGU subject to the requirements of this Subpart shall:

- a) Comply with the recordkeeping and reporting requirements of 40 CFR 75 applicable to NO_x emissions during the ozone control period, including, but not limited to, 40 CFR 75.54(b) and (d), incorporated by reference in Section 217.104 of this Part.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) Notwithstanding subsection (a), the owner or operator of a combustion turbine for which heat input and NO_x emissions are determined pursuant to Section 217.710(c) of this Subpart shall comply with the following recordkeeping and reporting requirements:

1) Maintain records of the heat input and NO_x emissions of the turbine as determined in accordance with Section 217.710(c) of this Subpart, and records of metered fuel use or operating hours used to determine heat input; and

2) Annually report the heat input and NO_x emissions of the turbine as determined in accordance with Section 217.710(c) of this Subpart, for each ozone control period, by November 30 of each year.

- c) Submit, with the report required under subsection (b) of this Section, the following certification statement, to be signed by a responsible official:

"I certify under penalty of law that this report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief after due inquiry, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature

Name

Official Title

Telephone No.

Date Signed

- d) If demonstrating compliance through Section 217.706(a) of this Subpart, by November 30 of each year beginning in 2003, submit to the Agency a report that demonstrates each EGU has not exceeded a NO_x emission rate of 0.25 lbs/mmBtu during the ozone control period.

- e) If demonstrating compliance through Section 217.708 of this Subpart, by November 30 of each year beginning in 2003, submit to the Agency a report that demonstrates the following:

- 1) For all EGUs participating in the averaging demonstration, the averaged ozone control period NO_x emission rate pursuant to the equation in Section 217.708(b) of this Subpart;
- 2) The average ozone control period NO_x emission rate of each EGU participating in the averaging demonstration; and
- 3) The information required to determine the averaged NO_x emission rate pursuant to Section 217.708(b) of this Subpart.
- f) Keep and maintain, for 5 years, all records and data necessary to demonstrate compliance with the requirements of this Subpart, and upon

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

request make such records and data available to Agency and USEPA representatives for inspection and copying during working hours.

- g) Submit copies of any records and data required by this Section to the Agency within 30 days after receipt of a written request by the Agency.

(Source: Added at 25 Ill. Reg. 591.4--, effective 4/21/03.)

SUBPART X: VOLUNTARY NO[X] EMISSIONS REDUCTION PROGRAM

Section 217.800 Purpose

The purpose of this Subpart is to implement Section 9.9(d)(3) of the Act by providing a method by which additional NO[X] allowances may be generated for use by emission units subject to the requirements of Subparts U or W of this Part. [415 ILCS 5/9.9(d)(3)]

(Source: Added at 25 Ill. Reg. 591.4--, effective 4/21/03.)

Section 217.805 Emission Unit Eligibility

Any owner or operator of a stationary source may submit a proposal, as provided in Section 217.835 of this Subpart, for voluntarily reducing NO[X] emissions during the control period, if each emission unit from which NO[X] reductions at the source will be obtained meets the following criteria:

- a) Discharges through a stack;
- b) Is fossil fuel-fired;
- c) Is not subject to the requirements of Subpart T, U, V or W of this Part;
- d) Is not a retired unit pursuant to 40 CFR 96.51;
- e) Has not elected to become an opt-in unit pursuant to Section 217.754 or Section 217.774 of this Part; and
- f) Is not a stationary internal combustion engine that emits more than one ton of NO[X] per day during the ozone control period.

(Source: Added at 25 Ill. Reg. 591.4--, effective 4/21/03.)

Section 217.810 Participation Requirements

- a) Any owner or operator of a source (emission reduction source) with one or more emission units meeting the requirements of Section 217.805 of this Subpart and seeking to make quantifiable, verifiable and federally enforceable voluntary reductions of NO[X] emissions during the control period from one or more emission units (emission reduction units) must comply with the following requirements:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Submit a NO[X] emission reduction proposal that meets the requirements of Section 217.835 of this Subpart;
- 2) Request an emission cap on NO[X] emissions from all NO[X] emission units at the emission reduction source that are not otherwise subject to Subparts U or W of this Part, and that are the same type of emission unit as the emission reduction unit (e.g., if the emission reduction unit is a boiler, combined cycle system or turbine, then the emission cap must include all boilers, combined cycle systems or turbines that are not otherwise subject to Subparts U or W of this Part, or if the emission unit is a cement kiln, then the emission cap must include all cement kilns); provided, however, the owner or operator of the source may submit a demonstration in accordance with Section 217.835 of this Subpart that any like-kind emission unit or units should not be included in the NO[X] emission cap;
- 3) Demonstrate how the NO[X] emission cap required by subsection (a)(2) of this Section is to be determined, in accordance with Sections 217.820 and 217.845 of this Subpart, which cap reflects the NO[X] emission reduction specified in the proposal;
- 4) Permit requirements:
 - A) Obtain a permit, or an amendment to an existing permit, for the source, with federally enforceable conditions containing the commitments in the NO[X] emission reduction proposal and the emissions cap by the later of May 1, 2003, or the date on which the reduction in NO[X] emissions will commence, and operate the source in compliance with such permit; or
 - B) For each emission unit that will be generating voluntary NO[X] emissions by ceasing operation, withdrawing the applicable permit, or requesting a revision to the permit to reflect the shut down of the emission reduction unit, by the later of May 1, 2003, or the date specified in the NO[X] reduction proposal.
- 5) Submit an emissions baseline determination for each unit subject to the NO[X] emission cap in accordance with the requirements of Section 217.820 of this Subpart.
- 6) Monitoring requirements:
 - A) To the extent applicable, each emission reduction unit at the source shall comply with the monitoring requirements of Section 217.850 of this Subpart.
 - B) The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart shall be used to determine compliance by the emission reduction unit with the emissions limitation set forth in the NO[X] emission reduction proposal and the federally enforceable permit conditions required pursuant to subsection (a)(4) of this Section.
 - C) The emissions measurements recorded and reported in accordance with Sections 217.850 and 217.855 of this Subpart

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

shall be used to determine compliance by the emission reduction source with the emissions cap set forth in the NO(x) emission reduction proposal and the federally enforceable permit condition required pursuant to Section 217.850(a)(4) of this Subpart.

- b) The owner or operator of the emission reduction source is required to submit an annual certification to the Agency that the source has complied with the cap on NO(x) emissions for the source and that the NO(x) emission reductions specified in the approved proposal were made pursuant to the requirements of Section 217.850 of this Subpart.

(Source: Added at 25 Ill. Reg. 5014, effective _____)

Section 217.815 NO(x) Emission Reductions and the Subpart x NO(x) Trading Budget

- a) NO(x) emission reductions may be recognized under this Subpart if they are quantifiable, verifiable, and federally enforceable, and meet one or more of the following criteria:

- 1) Due to the use of any NO(x) emission reduction technology (e.g., combustion or post combustion control technology or fuel switching) at the emission reduction unit pursuant to federally enforceable conditions in the permit for the unit addressing such control technology or fuel switching, NO(x) emissions from the emission reduction unit for any control period beginning in 2003 are or will be lower than such unit's actual emissions in the 1995 control period. The amount of actual NO(x) emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO(x) emission reductions shall be determined in accordance with Section 217.825 of this Subpart;

- 2) The emission reduction unit is permanently shut down after January 1, 1995, and the owner or operator requests a revision to the relevant operating permit to reflect the shut down of the emission reduction unit. The amount of actual NO(x) emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO(x) emission reductions shall be determined in accordance with Section 217.825 of this Subpart;

- 3) During any control period beginning in 2003, the emission reduction unit's control period NO(x) emission rate or hours of operation is reduced pursuant to federally enforceable conditions in a permit for such unit, resulting in an actual reduction in NO(x) emissions from such unit's actual 1995 control period NO(x) emissions. The amount of actual NO(x) emission reductions shall be determined in accordance with Section 217.820 of this Subpart, and the amount of creditable NO(x) emission reductions shall be

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- b) determined in accordance with Section 217.825 of this Subpart. USEPA shall adjust the State's trading portion of the statewide NO(x) budget, as established in the so-called NO(x) SIP Call, 63 Fed. Reg. 57356 (October 27, 1998), and create allowances for the creditable portion, as set forth in Section 217.825 of this Subpart, of verifiable, quantifiable, and federally enforceable NO(x) emission reductions meeting the requirements of this Subpart (the Subpart X NO(x) Trading Budget), and allowances from the Subpart X NO(x) Trading Budget shall be allocated to recipient emission units in accordance with this Subpart.

- c) The Agency shall submit an allocation to USEPA for the creditable portion of verifiable, quantifiable, and federally enforceable NO(x) emission reductions meeting the requirements of this Subpart, which allocation may be used for the purposes of demonstrating compliance with the requirements of Subparts U and W of this Part.

- d) If USEPA adjusts or fails to adjust the Subpart X NO(x) Trading Budget as to any individual emission reduction unit, the Subpart X NO(x) Trading Budget shall not be adjust pro-rata, and only the allowance allocation for that emission reduction unit will be adjusted.

(Source: Added at 25 Ill. Reg. 5014, effective _____)

Section 217.820 Baseline Emissions Determination

- a) An emission unit's emissions baseline shall be determined as follows:

- 1) By multiplying the unit's actual emissions during the 1995 calendar year, as reported in the annual emission report submitted in accordance with 35 Ill. Adm. Code 254, by 5/12ths; or
- 2) If the NO(x) emissions from the unit were not included in the emission reduction source's 1995 annual emissions report submitted to the Agency pursuant to 35 Ill. Adm. Code 254, by determining the base case amount included for such unit in the NO(x) SIP Call inventory, as specified in the "Technical Support Document for Illinois' Statewide NO(x) Budget" (63 Fed. Reg. 17349 (Nov. 7, 1997)).

- b) If the NO(x) baseline emissions for the 1995 control period cannot be determined by either of the methods listed in subsection (a)(1) or (2) of this Section, such actual NO(x) baseline emissions shall be determined based on the average emission rate multiplied by the average number of hours of operation from two of the three control periods, as selected by the emission reduction source, prior to the year the emission reduction proposal is effective. The unit's emission rate and hours of operation will be determined based on the unit's reported NO(x) emission rate and hours of operation in the most recent annual emission reports for such unit submitted in accordance

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

with 35 Ill. Adm. Code 254.

(Source: Added at 25 Ill. Reg. 5914, effective _____)

Section 217.825 Calculation of Creditable NO[x] Emission Reductions

For actual NO[x] emission reductions achieved pursuant to Section 217.815(a) of this Subpart, the gross amount of control period actual NO[x] emission reductions shall be determined pursuant to Section 217.820 of this Subpart. Eighty percent of the actual NO[x] emission reductions achieved pursuant to Section 217.815(a) shall be creditable. Twenty percent of the actual NO[x] emission reductions shall be retired for the benefit of air quality.

(Source: Added at 25 Ill. Reg. 5914, effective _____)

Section 217.830 Limitations on NO[x] Emission Reductions

a) Each NO[x] allowance issued for NO[x] emission reductions meeting the requirements of this Subpart is a limited authorization to emit one ton of NO[x] in accordance with the federal NO[x] Trading Program as set forth in Subpart U or W of this Part, as applicable. No provision of the federal NO[x] Trading Program, the emission reduction proposal, the permit application, the permit, or of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

b) Any NO[x] allowance issued in accordance with this Subpart does not constitute a property right.

(Source: Added at 25 Ill. Reg. 5914, effective _____)

Section 217.835 NO[x] Emission Reduction Proposal

a) A NO[x] emission reduction proposal shall include the following:

- 1) Information identifying each emission unit at the source that emits NO[x], whether the unit is subject to Subpart T, U, V, W or X of this Part, and the baseline emissions for each emission unit subject to the NO[x] emission cap as determined in accordance with Section 217.820 of this Subpart;
- 2) Information identifying each emission reduction unit from which the NO[x] emission reductions have been or will be achieved;
- 3) An explanation of the method used to achieve the NO[x] emission reductions;
- 4) The amount of the NO[x] emission reductions, including supporting calculations and documentation, such as fuel usage information;
- 5) The emission units subject to the NO[x] emission cap in

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

accordance with Section 217.810(a) of this Subpart, and if all like-kind or same-type emission units are not proposed to be included within the NO[x] emission cap, an explanation of how the owner or operator of the emission reduction source will ensure that production shifting will not occur, such that the emission reduction source will achieve real, verifiable, and quantifiable NO[x] emission reductions;

6) The control period NO[x] emission cap to be achieved by the emission reduction source, including both the baseline emissions for each recipient unit subject to the NO[x] emission cap and the NO[x] emission reductions from the emission reduction units included in the proposal;

7) The name and address of the owner or operator of each emission unit to which the NO[x] allowances will be allocated, the Subpart of this Part (i.e., Subpart U or W) to which each unit is subject, including the name, telephone number, and account number of the account representative for each such unit; and

8) Certification by the owner or operator of each unit that is the subject of each proposed emission reduction proposal of his/her acceptance of the terms of the proposal and certification that the emission reductions specified in the proposal have been or will be achieved.

b) The owner or operator of a source submitting an emission reduction proposal must notify the Agency in writing within 30 days of any event or circumstance that makes the NO[x] emission reduction proposal incorrect or incomplete.

c) The owner or operator of a source with an approved emission reduction proposal may request to withdraw its emission reduction proposal, and cease to create NO[x] allowances under this Subpart, as follows:

- 1) Requesting withdrawal: To withdraw from participation under this Subpart, the owner or operator of an emission reduction unit shall submit to the Agency a written request to withdraw from participation and to withdraw or revise the applicable permit effective as of a specified date between (and not including) September 30 and May 1. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal. Conditions for withdrawal: Before an emission reduction source may withdraw its approved emission reduction proposal, and the federally enforceable permit may be withdrawn under this Section, the owner or operator must submit to the Agency an annual compliance certification report in accordance with Section 217.855 of this Subpart for the control period immediately before the withdrawal is to be effective.
- 2) An emission reduction source that withdraws from this Subpart shall comply with all requirements under its approved emission reduction proposal and federally enforceable permit conditions addressing such proposal concerning all years for which the emission reduction source was in the program, even if such

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requirements arise or must be complied with after the withdrawal takes effect.

- 4) Notification:
- a) After the requirements for withdrawal under subsections (a) and (b) of this Section are met, the Agency will revise the permit indicating a specified effective date for the withdrawal that is after the requirements in subsections (a) and (b) of this Section have been met and that is prior to May 1 or after September 30.

b) If the requirements for withdrawal under subsections (a) and (b) of this Section are not met, the Agency will issue a notification to the owner or operator of the emission reduction source that the request to withdraw its permit is denied. If the request to withdraw is denied, the source shall remain subject to the requirements of its approved emission reduction proposal and federally enforceable permit conditions addressing the proposal and the requirements of this Subpart.

- 5) Reapplication upon failure to meet conditions of withdrawal: If the Agency denies the request of the owner or operator of the emission reduction source's request to withdraw, the owner or operator of the source may submit another request to withdraw in accordance with subsections (a) and (b) of this Section.

6) Upon successful withdrawal from the program, the emission reduction source shall no longer be subject to the provisions of this Subpart.

(Source: Added at 25 Ill. Reg. 5014, effective April 1, 1995)

Section 217.840 Agency Action

- a) The Agency shall notify the owner or operator submitting a NO[x] emission reduction proposal in writing of its decision with respect to the proposal within 90 days after receipt of such proposal, and if applicable, of NO[x] emissions data to verify that the specified reduction source may extend the deadline for Agency action in writing. If the Agency disapproves or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for the disapproval or conditional approval of the proposal. The following shall be considered a final Agency action for the purposes of appeal: if the Agency fails to take action within such 90 day period, subject to any extension, or if the Agency disapproves a proposal. If the Agency conditionally approves a proposal, the owner or operator of the emission reduction source has 30 days to submit a modified proposal addressing the specific items listed by the Agency. If the owner and operator of the emission reduction source does not

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

submit a modified emission reduction proposal within such 30 day period, the conditional approval shall be deemed to be a disapproval, and shall be deemed to be a final action for purposes of appeal.

- b) The NO[x] emissions reduction proposal will not be effective until:

1) After the owner or operator of the emission reduction source has obtained or modified a permit with federally enforceable conditions addressing the requirements of this Subpart; or

2) If NO[x] emission reductions are being obtained by the shut down of an emission reduction unit, the owner or operator of the emission reduction unit has obtained:

A) Obtained or modified a permit with federally enforceable conditions addressing the requirements of the this Subpart; or

B) Withdrawn the applicable permit and the Agency has:

1) Provided USEPA with a copy of the proposal and notice of the Agency's proposed of the emission reduction proposal, and USEPA has not disapproved such proposal; or

i) Published notice and offered an opportunity to comment, pursuant to 35 Ill. Adm. Code 252, on such permit withdrawal, its proposed approval of the emission reduction proposal for the shut down of the emission reduction unit and the creditable NO[x] emission reductions that will be created by the shut down.

c) If the Agency approves the proposal, and subject to the provisions of subsection (b) of this Section, the Agency shall submit an allocation to USEPA for the creditable reductions created pursuant to the requirements of this Subpart subject to the following:

1) Any allowances generated pursuant to this Subpart shall be issued to the recipient emission unit identified in the proposal, for each control period in which the NO[x] emissions reductions are verified, and the requirements of this Subpart continue to be met;

2) The owner or operator of the emission reduction source has, by November 1 following the control period that the emission reduction unit has reduced NO[x] emissions, verified the NO[x] emission reductions in accordance with Section 217.845 of this Subpart, and obtained a permit containing federally enforceable conditions addressing the requirements of this Subpart;

3) The allowances shall be issued by May 1 after the control period in which the reduction has occurred, for use in any future control period.

(Source: Added at 25 Ill. Reg. 5014, effective April 1, 1995)

Section 217.845 Emissions Determination Methods

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The owner or operator of an emission reduction source must demonstrate that it has obtained the NO(x) emission reductions, and has not exceeded its NO(x) emission cap, as specified in its approved NO(x) emission reduction proposal, as follows:

- a) If the NO(x) emission reductions are generated pursuant to Section 217.815(a)(1) of this Subpart, the NO(x) emission rate for each emission reduction unit shall be determined as follows:
 - 1) Through the use of continuous emissions monitoring in accordance with Section 217.850 of this Subpart; or
 - 2) Through the use of any test methods and procedures provided in 40 CFR 60 and approved by the Agency, or any other method approved by the Agency when included as federally enforceable conditions in a permit issued or revised pursuant to this Subpart.
- b) If the NO(x) emission reductions are generated pursuant to Section 217.815(a)(3) of this Subpart, submit an initial compliance demonstration plan to the Agency 120 days prior to the control period date that the emission reduction unit will commence NO(x) emission reductions in compliance with an approved emissions reduction proposal. Such demonstration shall be based on the actual NO(x) emission rate measured in accordance with Section 217.850 of this Subpart.
- c) If the emission reduction unit's compliance with the NO(x) emission reduction proposal is determined in accordance with subsection (a)(2) of this Section, conducting an initial test 90 days prior to the date of the specified emission reductions will be obtained, or within 45 days of the Agency's request for NO(x) emission reductions already obtained, and notifying the Agency in writing of any test performed to comply with the requirements of this Subpart at least 30 days prior to the test. The Agency may at any time require annual control period testing of any emission unit at the NO(x) emission reduction source, and may require such testing as part of its approval of a NO(x) emission reduction proposal.
- d) By November 1 following each control period in which NO(x) emission reductions are generated, the owner or operator of an emission reduction source must:
 - 1) Submit a compliance certification, including supporting data, that the NO(x) emission cap, as specified in its approved NO(x) emission reduction proposal, has not been exceeded; and
 - 2) Monitor and report the NO(x) emissions during each control period from all NO(x) emission units at the source subject to the NO(x) emission cap in accordance with Sections 217.850 and 217.855 of this Subpart.
- e) The owner or operator of an emission reduction source shall, 120 days prior to the date that the emission reduction source will commence NO(x) emission reductions in compliance with an approved emissions reduction proposal, submit to the Agency a performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 50, Appendix B, as incorporated by reference in Section 217.104 of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

this Part.

(Source: Added at 25 Ill. Reg. 5911, effective _____)

Section 217.850 Emissions Monitoring

- a) The owner or operator of an emission reduction source shall install, calibrate, maintain, and operate during the control period on each NO(x) emission unit at the source subject to the NO(x) emission cap, a continuous emission monitoring system (CEMS), or an alternative approved by the Agency and included in a federally enforceable permit condition, for measuring NO(x) emissions to the atmosphere.
- b) The CEMS shall be operated and data recorded during all periods of operation of the emission unit at the source during the control period, except for periods of CEMS breakdowns and repairs as provided in subsection (c) of this Section.
- c) CEMS quality assurance data must be recorded during calibration checks and zero and span adjustments.
- d) The 1-hour average NO(x) emissions measured by the CEMS shall be:
 - 1) Expressed in lbs/hr or in lbs/mbtu, and heat input;
 - 2) Calculated using the data points required under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart; and
 - 3) Calculated using at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quarter of an hour) if data are unavailable as a result of the performance of calibration, quality assurance, or preventive maintenance activities.
- e) The procedures under 40 CFR 60.13, as incorporated by reference in Section 217.104 of this Subpart, shall be followed for installation, evaluation, and operation of each CEMS.
- f) For monitoring systems measuring NO(x) in lbs/hr, if NO(x) emission data are not obtained because of CEMS breakdown, repairs, calibration checks, or zero and span adjustments, NO(x) emission data shall be obtained by using the data substitution procedures contained in 40 CFR 75, subpart D, incorporated by reference in Section 217.104 of this Part.
- g) For monitoring systems measuring NO(x) in lbs/mbtu, if NO(x) emission data are not obtained because of CEMS breakdown, repairs, calibration checks, or zero and span adjustments, NO(x) emission data shall be obtained by using the rolling hourly average of emission data recorded for the previous 30 day period of operation if the data capture for such period is 95% or greater and the period of missing data is equal to or less than 24 consecutive hours, if the data capture for such previous 30 day period is less than 95% or the period of missing data is greater than 24 consecutive hours, the data shall be obtained by using the highest hourly average recorded during the previous 30 days of operation.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- h) The CEMS shall be subject to the quality assurance procedures and requirements of 40 CFR 60, Appendix F, incorporated by reference in Section 217.104 of this Part.

(Source: Added at 25 Ill. Reg. 5914, effective APR 17 2001)

Section 217.855 Reporting

- a) By November 1 of each year beginning in 2003, or the year of the first control period for which NO[x] emission reductions were generated in accordance with this Subpart, an owner or operator of an emission reduction source must, as a seasonal component of the annual emission report for the source pursuant to 35 Ill. Adm. Code 254, report to the Agency the total control period NO[x] emissions of each NO[x] emission unit at the source subject to the NO[x] emission cap.
- b) Within 30 days after receipt of such data or evaluation, the owner or operator of each emission reduction source shall submit to the Agency the performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.

(Source: Added at 25 Ill. Reg. 5914, effective APR 17 2001)

Section 217.860 Recordkeeping

- a) The owner or operator of an emission reduction source shall keep and maintain the following records for each NO[x] emission unit at the source subject to the NO[x] emission cap:
- 1) Daily, monthly, and control period operating hours;
 - 2) Type and quantity of each fuel used daily during the control period;
 - 3) Control period capacity factor of individual fuels fired and all fuels fired;
 - 4) Monitoring records; and
 - 5) To the extent applicable, the performance test data from the initial performance test for each emission reduction unit and the performance evaluation for each CEMS using the applicable performance specifications in 40 CFR 60, Appendix B, as incorporated by reference in Section 217.104 of this Part.
- b) The owner or operator of an emission reduction source shall maintain records of the following information for each operating day for each NO[x] emission unit subject to the NO[x] emission cap:
- 1) Calendar date;
 - 2) The average hourly NO[x] mass emission rate expressed as lbs/hr;
 - 3) The control period total NO[x] mass emissions to date;

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 4) Identification of times when emission data have been excluded from the calculation of NO[x] mass emissions, the reasons for excluding the data, and any corrective actions taken;
 - 5) Identification of the times when the pollutant concentration exceeded full span of the CEMS;
 - 6) Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with the Performance Specifications in 40 CFR 60, Appendix B; and
 - 7) Results of daily CEMS drift tests and quarterly accuracy assessments as required under 40 CFR 60, Appendix F.
- c) The owner or operator of any NO[x] emission reduction source subject to the continuous monitoring requirements for NO[x] under this Subpart, shall submit a compliance certification containing the information recorded under subsection (b) of this Section. All compliance certification reports shall be postmarked by November 1 of the next business day if November 1 falls on a Saturday or Sunday, of each control period in which NO[x] emission reductions are generated.
- d) Maintenance of records: Unless otherwise provided, the owner or operator of a NO[x] emission reduction source shall keep on site at the source, each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Agency.

- 1) The emission reduction proposal and all documents that demonstrate the accuracy of the statements in the proposal for each year the emission reduction source generates NO[x] reductions under this Subpart and for 5 years thereafter.
- 2) All emissions monitoring information required pursuant to this Subpart; provided that to the extent that 40 CFR 60 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
- 3) Copies of all reports, compliance certifications, and other submissions and all records made or required under this Subpart.
- 4) Copies of all documents used to complete any permit application and supporting documents and any other submission to demonstrate compliance with the requirements of this Subpart.

(Source: Added at 25 Ill. Reg. 5914, effective APR 17 2001)

Section 217.865 Enforcement

- a) Excess emissions requirements: The owner or operator of an emission reduction source for which NO[x] reductions have been recognized pursuant to this Section and that has excess NO[x] emissions in any control period for which NO[x] allowances have been issued must:
- 1) For the first control period during which the emission reduction source has excess NO[x] emissions, purchase NO[x] allowances in an amount equal to 2 times the excess NO[x] emissions in

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

3) If the emission reduction source has excess NO_x emissions for 3 control periods, purchase allowances in an amount equal to 4 times the excess NO_x emissions pursuant to the federal NO_x Trading Program and surrender the allowances to the Agency by December 31 following the control period in which the emission reduction source had excess emissions, and the NO_x emission reduction proposal shall be automatically revoked. The emission reduction source will thereafter not be able to generate NO_x emission reductions for which NO_x allowances may be issued under this Subpart.

b) All allowances surrendered to the Agency pursuant to subsections (a)(1) through (a)(3) of this Section shall be retired to benefit air quality.

c) Nothing in this Subpart limits the authority of the State or the federal government to seek penalties and injunctive relief for any violation of this Subpart or any permit condition. Nothing in this Subpart limits the right of the State or the federal government or any person to directly enforce against actions or omissions which constitute violations of permits required by the Act or regulations promulgated thereunder or the CAA or applicable federal environmental laws and regulations.

(Source: Added at 25 Ill. Reg. **5914-2**, effective **APR 17 2001**)

Section 217, Appendix E Large Non-Electrical Generating Units

COMPANY	UNIT	DESIGNATION	DESCRIPTION	BUDGET	
				ALLOCATION	BUDGET
ID # / NAME				ALLOCATION	LESS 3 % NSSA
1	2	3	4	5	6

A. E. STALEY MANUFACTURING CO

115015ABX	85070061299	COAL-FIRED	BOILER 1	176	171
115015ABX	85070061299	COAL-FIRED	BOILER 2	175	170
115015ABX	73020084129	BOILER #25		125	121
A. E. STALEY MANUFACTURING CO (Total Allocation)				476	462

ARCHER DANIELS MIDLAND CO EAST PLANT

115015AAE	85060030081	COAL-FIRED	BOILER 1	238	231
115015AAE	85060030081	COAL-FIRED	BOILER 2	261	253
115015AAE	85060030081	COAL-FIRED	BOILER 3	267	259
115015AAE	85060030082	COAL-FIRED	BOILER 4	276	268
115015AAE	85060030082	COAL-FIRED	BOILER 5	275	267
115015AAE	85060030082	COAL-FIRED	BOILER 6	311	302
115015AAE	85060030083	GAS-FIRED	BOILER 7	19	18
115015AAE	85060030083	GAS-FIRED	BOILER 8	19	18
ARCHER DANIELS MIDLAND CO EAST PLANT (Total Allocation)				1,666	1,616

CORN PRODUCTS INTERNATIONAL INC

031012ABI	91020069160	GAS-FIRED	BOILER 6	55	53
031012ABI	73020146041	BOILER #1		210	204
031012ABI	73020146042	COAL-FIRED	BOILER #2	210	203
031012ABI	73020146043	GAS FIRED	BOILER NO 4	81	79
		WEST STACK			
		BLRS			
031012ABI	73020147043	BOILER #3		211	205
031012ABI	73020147046	GAS FIRED	BOILER NO 5	81	79
		EAST STACK			
		BOILER			
CORN PRODUCTS INTERNATIONAL INC (Total Allocation)				848	822

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

GREAT LAKES NTC

097811AAC	78080071011	BOILER # 5	26	25
097811AAC	78080071011	BOILER # 6	26	25
GREAT LAKES NTC (Total Allocation)			52	50

JEFFERSON SMURFIT CORPORATION

119010AAL	72120426001	BLR 7-COAL FIRED	39	38
JEFFERSON SMURFIT CORPORATION (Total Allocation)			39	38

MARATHON OIL CO ILLINOIS REFINING DIV

033808AAB	72111291055	BOILER #3 OIL REF GAS FIRED	53	51
033808AAB	72111291056	BOILER #4 REF GAS OIL FIRED	53	52
MARATHON OIL CO ILLINOIS REFINING DIV (Total Allocation)			106	103

EXXON MOBIL

197800AAA	72110567002	AUX BOILER- REFINERY GAS	101	98
197800AAA	86010009043	STATIONARY GAS TURBINE	85	82
EXXON MOBIL (Total Allocation)			186	180

WILLIAMS

179060ACR	73020087019	BOILER C - PULVERIZED DRY BOTTOM	377	366
WILLIAMS (Total Allocation)			377	366

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

EQUISTAR

063800AAC	72100016013	BOILER # 1	40	39
063800AAC	72100016013	BOILER # 2	40	39
063800AAC	72100016014	#3 GAS FIRED BOILER	40	39
063800AAC	72100016016	#5 GAS FIRED BOILER	40	39
063800AAC	72100016017	#6 BOILER	40	38
EQUISTAR (Total Allocation)			200	194

EQUISTAR

041804AAB	72121207108	BOILER NO 1	121	118
041804AAB	72121207109	BOILER NO 2	121	118
041804AAB	72121207110	BOILER NO 3	121	117
041804AAB	72121207111	BOILER NO 4	120	116
041804AAB	72121207112	BOILER NO 5	0	0
EQUISTAR (Total Allocation)			483	469

TOSCO

119090AAA	72110633080	BOILER NO 15	40	38
119090AAA	72110633081	BOILER NO 16	40	39
119090AAA	72110633082	BOILER NO 17	80	78
TOSCO (Total Allocation)			160	155

U S STEEL - SOUTH WORKS

031600ALZ	82010044013	NO. 6 BOILER #5 POWER STATION (FUEL - NAT GAS)	90	88
031600ALZ	82010044014	NO 1 BLR NG	90	87
U S STEEL - SOUTH WORKS (Total Allocation)			180	175

UNIV OF ILL - ABBOTT POWER PLANT

019010ADA	82090027006	BOILER #7	86	83
UNIV OF ILL - ABBOTT POWER PLANT (Total Allocation)			86	83

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

CITGO PETROLEUM CORPORATION

197090AA1	72110253037	BOILER 43-B-1	23	22
CITGO PETROLEUM CORPORATION (Total Allocation)			23	22

LTV STEEL COMPANY

301600AMC	[UNIT DESIGNATION]	BOILER NO 4B	*	-	*	-
LTV STEEL COMPANY (Total Allocation)			*	-	*	-

* Pursuant to Section 217.460(h), Column 2, Column 4 and Column 5 will be adjusted at such time as USEPA makes an allocation for LTV Steel's Boiler No. 4B.

GRAND TOTAL	5914	4,832	4,736
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(Source: Added at 25 Ill. Reg. _____, effective APR 17 2001)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENMENTS

- 1) Heading of the Part: Duties of the Administrators of the Illinois Veterans Homes
- 2) Code Citation: 95 Ill. Adm. Code 106
- 3) Section Number: 106.10
Proposed Action: Amendment
106.20 New Section
- 4) Statutory Authority: 20 ILCS 2805/2.9
- 5) Effective Date of Amendments: April 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 18545 - December 22, 2000
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 106.20, DVA added dates to the *Code of Federal Regulations* incorporations by reference.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments: This Part has been amended to change the term Superintendent to Administrator. Also, the rulemaking identifies the applicable statutes, rules and regulations for the Administrators to comply with in the on-going operations and management of the Illinois Veterans' Homes.
- 16) Information and questions regarding these adopted amendments shall be directed to: Donald Bullerman
833 S. Spring Street - PO Box 19432 (217) 785-7208
Springfield IL 62794-9432

DEPARTMENT OF VETERANS' AFFAIRS
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF VETERANS' AFFAIRS
NOTICE OF ADOPTED AMENDMENTS
TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

PART 106
DUTIES OF THE ADMINISTRATORS SUPERINTENDENTS OF THE
ILLINOIS VETERANS HOMES

Section
106.10 Duties
106.20 State and Federal Regulations

AUTHORITY: Implementing and authorized by the Department of Veterans' Affairs Act [20 ILCS 2805].

SOURCE: Filed and effective December 15, 1977; codified at 6 Ill. Reg. 8438; amended at 12 Ill. Reg. 14361, effective August 30, 1988; amended at 25 Ill. Reg. 4038, effective January 23, 2001; amended 25 Ill. Reg. 5963, effective 5/2/03.

Section 106.10 Duties

Subject to administrative approval, each Administrator Superintendent of an Illinois Veterans Home shall be responsible for the operation of that Home facility in accordance with State and Federal laws and regulations ~~the law and with the rules and regulations of the Department of Veterans Affairs (Department)~~. Each Administrator Superintendent shall provide available program services particular to his (her) Home facility for care, treatment, rehabilitation, and comfort of his (her) residents ~~resident~~. Each Administrator Superintendent shall be responsible for the safety and care of the residents and for the provision of programs of recreational and social activities to meet the special needs of the residents.

(Source: Amended at 25 Ill. Reg. 5963, effective 5/2/03)

Section 106.20 State and Federal Regulations

The Homes shall comply with the following:

- a) State
 - 1) Illinois Nursing Home Care Act [210 ILCS 45]
 - 2) Illinois Veterans Home Code [77 Ill. Adm. Code 340]
 - 3) Admission to and Discharge from Illinois Veterans Homes (95 Ill. Adm. Code 107)
 - 4) Payment of Maintenance Charges and Income Management at the Illinois Veterans Homes (95 Ill. Adm. Code 108)
 - 5) Funeral and Burial Procedures for Residents of the Illinois Homes (95 Ill. Adm. Code 109)
- b) Federal

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENMENTS

- 1) Reasonable Charges for Medical Care or Services (38 CFR 17 (2000); no later editions or amendments are incorporated)
- 2) Per Diem for Nursing Home Care of Veterans in State Homes (38 CFR 51 (2000); no later editions or amendments are incorporated)
- 3) Forms (38 CFR 58 (2000); no later editions or amendments are incorporated)

(Source: Added at 25 Ill. Reg. 5963, effective _____)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENMENTS

- 1) Heading of Part: Funeral and Burial Procedures for Residents of the Illinois Homes

- 2) Code Citation: 95 Ill. Adm. Code 109

Section Number:	Proposed Action:
109.10	Amendment
109.20	Amendment
109.30	Amendment
109.40	Amendment
109.50	Amendment
109.60	Amendment
109.70	Amendment
109.80	Amendment
109.90	Amendment
109.100	Amendment
109.110	Amendment

- 4) Statutory Authority: 20 ILCS 2805/2.9

- 5) Effective Date of Amendments: April 17, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 18549 - December 22, 2000

- 10) Has JCAR issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version:

In Section 109.20, DVA clarified that the Administrator can suggest, but not require, the maintenance of a trust fund for burial expenses.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other proposed amendments pending on this Part? No

- 15) Summary and purpose of Amendments: This rule has been amended to update statutory references and changes the reference from Superintendent to Administrator and United States Veterans Administration to the Department

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

of Veterans Affairs (USDVA). It also updates the Illinois veterans' funeral and burial requirements to comply with current State statutes and Department policies.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Donald Bullerman
833 S. Spring Street-PO Box 19432
Springfield, IL 62794-9432
(217) 785-7208

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 95: VETERANS AND MILITARY AFFAIRS
CHAPTER I: DEPARTMENT OF VETERANS' AFFAIRS

PART 109

FUNERAL AND BURIAL PROCEDURES FOR
RESIDENTS MEMBERS OF THE ILLINOIS HOMES

Section	
109.10	Administration of Burials
109.20	Burial Funds
109.30	Custodian of Personal Effects and Funds
109.40	Burial Requests
109.50	Burials in a Home Home's Cemetery
109.60	Proper Respect at Funeral
109.70	Eligibility for Burial in a Home Cemetery
109.80	Headstones and Markers
109.90	Memorial Day Ceremonies
109.100	Disinterment of Remains in a Home Cemetery
109.110	Permanent Burial Records

AUTHORITY: Implementing and authorized by Section 29 of the Children and Family Services Act [20 ILCS 505/29] and Sections 2 and 2.06 of the Department of Veterans Affairs Act [20 ILCS 2805/2 and 2.06].

SOURCE: Filed and effective December 15, 1977; codified at 6 Ill. Reg. 8442; amended at 12 Ill. Reg. 3785, effective January 26, 1988; amended at 25 Ill. Reg. 5967; effective APR 17 2001.

Section 109.10 Administration of Burials

It shall be the duty of the Administrator Superintendent of an Illinois Veterans Home to assist in provide for the administration of proper burials of residents members of the Home, including notification of next of kin and other concerned individuals and agencies.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17 2001)

Section 109.20 Burial Funds

- a) Each A-Superintendent-shall-require--each non-veteran widow or widower admitted to a Home--if-he-or-she-has-an-income--of--more--than \$500--monthly--to may deposit money in a resident's trust fund a portion-of-his-or-her-income-monthly for the purpose of creating a burial fund in the amount of not less than \$750 \$500-00. Proof of pre-established burial fund, insurance, Social Security Death Benefit, or other burial benefits may cause this amount to be reduced accordingly, or waived, provided proof is filed with Adjutant's

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Office.

- b) When a widow or widower who does not have income to establish a sufficient burial fund dies, he or she will be provided burial at the nearest State or Federal veterans cemetery or such alternative site as approved by the Department. Institution not to exceed \$750 \$950-00. If the next of kin requests burial elsewhere, the total expense must then be paid by the estate or next of kin and no allowance will be provided by the State of Illinois.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

Section 109.30 Custodian of Personal Effects and Funds

The Administrator A-Superintendent shall be the custodian of all personal effects and funds of the deceased resident member and, upon certificates as designated by law, shall release all effects and funds to the resident's estate ~~next-heirs~~. Under certain circumstances, it may become necessary to forward the resident's personal effects to another location. In this event, the shipping expenses will be incurred by the resident's estate, not by the Home.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

Section 109.40 Burial Requests

The Administrator A-Superintendent shall act upon burial requests as made by the resident member and on file in the Adjutant's Office. No specific requests being made, he (she) shall upon request have delivered to the nearest relative the body of the deceased resident member. The nearest relatives shall be defined as:

- a) the nearest blood relation as cited in 755 ILCS 5/2-1, and
b) those entitled to the personal effects under statutory provisions relating to distribution of intestate estates.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

Section 109.50 Burials in a Home Veterans Cemetery

All burials in the a Home's cemetery at the Illinois Veterans Home at Quincy or Manteno shall be conducted in accordance with military custom, if at all possible. The Home chaplain shall conduct services unless other arrangements have been made by the next of kin. The Adjutant shall act as the Administrator's Superintendent's representative to see that proper burial services are conducted. The flag of our country shall be properly placed on the casket and removed at the grave and presented to the next of kin.

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

Section 109.70 Eligibility for Burial in a Home Cemetery

Any resident persons--eligible--for--residency in a Home shall be eligible for burial in the Home cemetery. All work incident to interments in a the Home cemetery shall be done by State state labor, free of cost to relatives and friends.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

Section 109.80 Headstones and Markers

- a) A United States government headstone or marker bearing the name and other identifying data shall be placed at each grave in the Veterans Home Cemetery. Erection of private monuments shall not be permitted at the Veterans Home Cemetery. State employees shall set headstones erected at the Veterans' Home Cemetery. Headstones shall be set by state-employees--

b) Erection of headstones and markers at other than Veterans Home cemeteries shall be the responsibility of the next of kin or estate.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

Section 109.90 Memorial Day Ceremonies

The Administrator A-Superintendent shall cause appropriate ceremonies to be held each Memorial Day in the cemetery or upon the grounds of a Home.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

Section 109.100 Disinterment of Remains in a Home Cemetery

The disinterment of the remains of a resident buried in a Home cemetery must be approved by the Administrator and the Director of the Illinois Department of Veterans' Affairs. Prior Superintendent--prior special permission must be being granted by the County Health Department, and the proper health authorities at the point of destination for reinterment of the remains. All expenses incidental to disinterment, transportation, and reburial shall be defrayed by the family of the deceased.

(Source: Amended at 25 Ill. Reg. 5967, effective APR 17/2001)

DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

Section 109.110 Permanent Burial Records

The Administrator A-Superintendent shall assure that permanent burial records be maintained in accordance with State and local laws for of all interments in a Home cemetery and kept in the Adjutant's Office.

(Source: Amended at 25 Ill. Reg. 59 6 7, effective APR 17/00)

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Mobile Sources
- 2) Code Citation: 35 Ill. Adm. Code 240
- 3) Section Numbers: 240.163
- 4) Date Proposal published in Illinois Register: September 15, 2000, 24 Ill. Reg. 13820
- 5) Date Adoption published in Illinois Register: December 29, 2000, 24 Ill. Reg. 19188
- 6) Summary and Purpose of Expedited Correction: By an opinion and order dated December 7, 2000, the Board adopted numerous amendments to the vehicle emission rules intended to enable Illinois to meet federal and state mandated enhanced emissions testing requirements, promote the acceptance of and adherence to the enhanced I/M program, and to refine certain test requirements. The Board filed those amendments with the Office of the Secretary of State, and they became effective on December 18, 2000. Among those amendments were amendments to 35 Ill. Adm. Code 240.163.

By a letter dated January 9, 2001, the Joint Committee on Administrative Rules (JCAR) directed the Board's attention to a typographical error in the text of the adopted amendments. As a result, the Board is requesting an expedited correction of the error outlined by JCAR. That correction is outlined as follows:

240.163 Reinstated "inspection" after "vehicles subject to".

The Board believes that the typographic correction suggested by JCAR is non-substantive, that making the correction will result in no hardship, and that the public interest would be served by completing this correction.

JCAR also brought to the Board's attention an inadvertent error in the adoption of the amendments where a redundant definition of "loaded mode" was deleted. The Board recognizes that the manner in which this definition was stricken was in error, and has taken steps to ensure an oversight of this nature does occur in future rulemakings.
- 7) Information and questions regarding this request shall be directed to:

Andrew Boron, Attorney
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601
312-814-6062

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

Please reference Docket R01-12.

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER k: EMISSION STANDARDS AND LIMITATIONS
FOR MOBILE SOURCES

PART 240

MOBILE SOURCES

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section
240.101
240.102
240.103
240.104
240.105
240.106
240.107

Preamble
Definitions
Prohibitions
Inspection
Penalties
Determination of Violation
Incorporations by Reference

SUBPART B: EMISSIONS

Section
240.121
240.122
240.123
240.124
240.125

Smoke Emissions
Diesel Engine Emissions Standards for Locomotives
Liquid Petroleum Gas Fuel Systems
Vehicle Exhaust Emission Standards (Repealed)
Compliance Determination (Repealed)

SUBPART C: SMOKE OPACITY STANDARDS AND TEST PROCEDURES
FOR DIESEL-POWERED HEAVY DUTY VEHICLES

Section
240.140
240.141

Applicability
Smoke Opacity Standards and Test Procedures for Diesel-Powered Heavy Duty Vehicles

SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

Section
240.151
240.152
240.153

Applicability
Steady-State Idle Mode Vehicle Exhaust Emission Standards
Compliance Determination

SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

Section
240.161

Applicability

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

240.162 Vehicle Exhaust Emission Start-Up Standards
 240.163 Vehicle Exhaust Emission Final Standards
 240.164 Vehicle Exhaust Emission Fast-Pass Standards
 240.165 Compliance Determination

SUBPART F: EVAPORATIVE TEST STANDARDS

Section
 240.171 Applicability
 240.172 Evaporative System Integrity Test Standards
 240.173 Evaporative System Purge Test Standards (Repealed)

SUBPART G: ON-ROAD REMOTE SENSING TEST EMISSION STANDARDS

Section
 240.181 Applicability
 240.182 On-Road Remote Sensing Emission Standards
 240.183 Compliance Determination

SUBPART H: ON-BOARD DIAGNOSTIC TEST STANDARDS

Section
 240.191 Applicability
 240.192 On-Board Diagnostic Test Standards
 240.193 Compliance Determination

APPENDIX A Rule into Section Table
 APPENDIX B Section into Rule Table
 TABLE A Vehicle Exhaust Emission Start-Up Standards
 TABLE B Vehicle Exhaust Emission Final Standards
 TABLE C Vehicle Exhaust Emission Fast-Pass Standards

AUTHORITY: Implementing Sections 9, 10 and 13 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 10, 13, 27, and 28.5] and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20]; implementing Section 13-109.2 of the Illinois Vehicle Code [625 ILCS 5/13-109.2].

SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-20 at 18 Ill. Reg. 18013, effective December 12, 1994; amended in R94-19 at 18 Ill. Reg. 18228, effective December 20, 1994; amended in R98-24 at 22 Ill. Reg. 13723, effective July 13, 1998; expedited correction at 22 Ill. Reg. 21120, effective July 13, 1998; amended in R01-12 at 24 Ill. Reg. 19188, effective December 18, 2000; amended in R01-8 at 25 Ill. Reg. 3680, effective February 23, 2001; expedited correction at 25 Ill. Reg. 5973, effective December 18, 2000.

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS

Section 240.163 Vehicle Exhaust Emission Final Standards

Beginning February 1, 2001, vehicle exhaust emission final standards contained in Section 240.163 of this Part shall apply for all vehicles subject to inspection except for model year 1981 through model year 1987 LDV, LDT1, and LDT2 vehicles, which shall continue to use the standards contained in Section 240.162 of this Part as described in Section 240.162. All standards are expressed in grams per mile (gpm).

(Source: Expedited correction at 25 Ill. Reg. 5973, effective December 18, 2000)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 17, 2001 through April 23, 2001 and have been scheduled for review by the Committee at its May 15, 2001 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
5/31/01	Department of Public Health, Illinois Alzheimer's Disease and Related Disorders Assistance Code (77 Ill Adm Code 710)	2/9/01 25 Ill Reg 2267	5/15/01
6/2/01	Illinois Student Assistance Commission, General Provisions (23 Ill Adm Code 2700)	1/26/01 25 Ill Reg 1205	5/15/01
6/2/01	Illinois Student Assistance Commission, Federal Family Education Loan Program (FFELP) (23 Ill Adm Code 2720)	1/26/01 25 Ill Reg 1191	5/15/01
6/2/01	Illinois Student Assistance Commission, Alternative Loan Program (23 Ill Adm Code 2721)	1/26/01 25 Ill Reg 1182	5/15/01
6/2/01	Illinois Student Assistance Commission, Illinois National Guard (ING) Grant Program (23 Ill Adm Code 2730)	1/26/01 25 Ill Reg 1228	5/15/01
6/2/01	Illinois Student Assistance Commission, Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)	1/26/01 25 Ill Reg 1241	5/15/01
6/2/01	Illinois Student Assistance Commission, Monetary Award Program (MAP) (23 Ill Adm Code 2735)	1/26/01 25 Ill Reg 1247	5/15/01
6/2/01	Illinois Student Assistance Commission, Illinois Incentive for Access (IIA) Program (23 Ill Adm Code 2736)	1/26/01 25 Ill Reg 1224	5/15/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

6/2/01	Illinois Student Assistance Commission, Student to Student (STS) Program of Matching Grants (23 Ill Adm Code 2770)	1/26/01 25 Ill Reg 1256	5/15/01
6/2/01	Illinois Student Assistance Commission, College Savings Bond Bonus Incentive Grant (BIG) Program (23 Ill Adm Code 2771)	1/26/01 25 Ill Reg 1186	5/15/01
6/2/01	Illinois Student Assistance Commission, Illinois Prepaid Tuition Program (23 Ill Adm Code 2775)	1/26/01 25 Ill Reg 1232	5/15/01

